

THE
T R I A L

BETWEEN

The Phoenix Assurance Company

AND

M^R. JAMES BROWN,

LATE OF ST. PAUL'S CHURCH YARD.

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BETWEEN

London

The Phoenix Assurance Company

AND

MR. JAMES BROWN,

LATE OF ST. PAUL'S CHURCH YARD:

CONTAINING,

The EVIDENCE delivered in the Court of Common
Pleas, at the Guildhall of the City of London,

ON TUESDAY, DECEMBER 15, 1789,

Copied from the Notes of Mr. GURNEY, taken in Court.

Published by Order of the Directors of the Phoenix Fire-Office.

THE

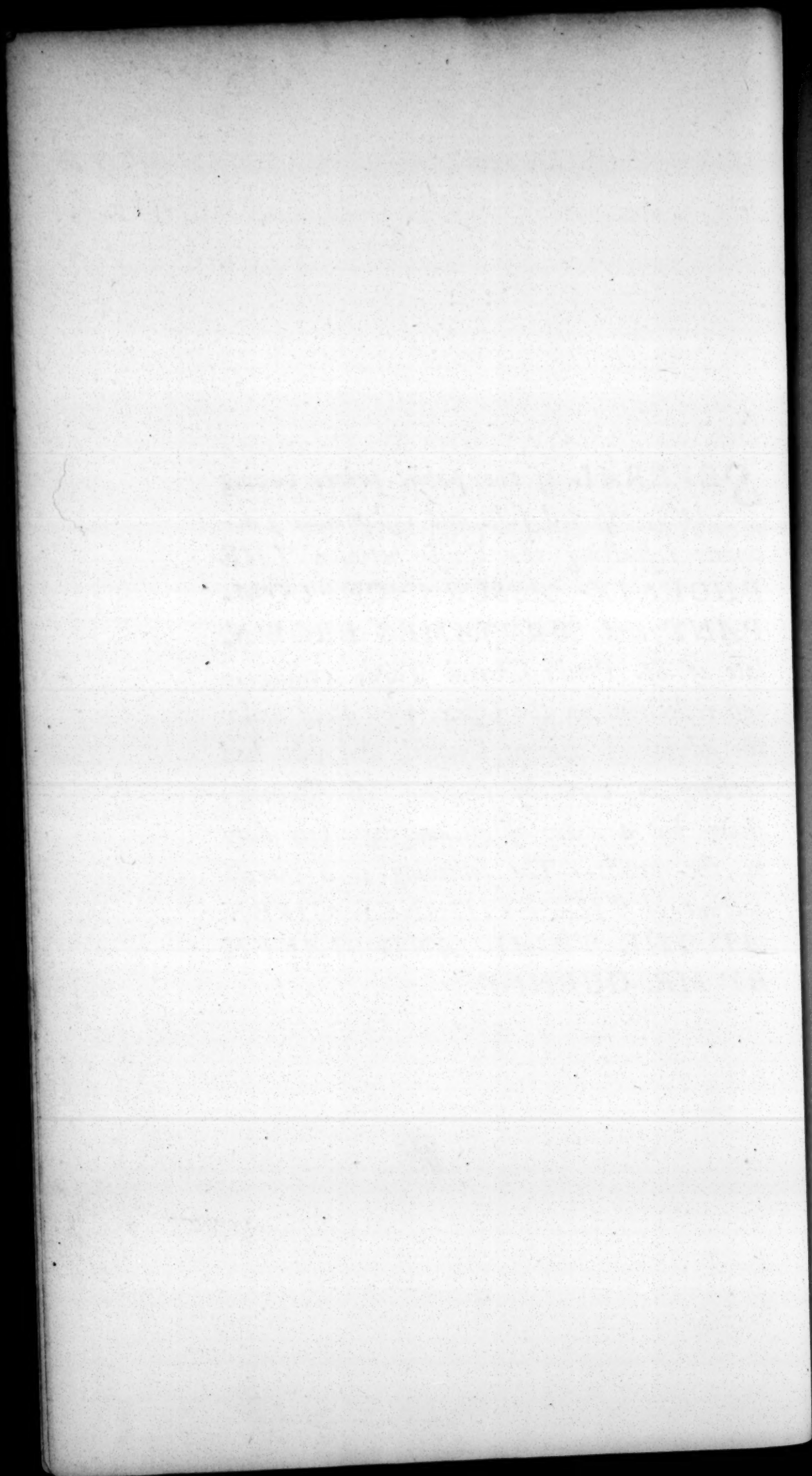
T R I A L

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SEVERAL of the public prints having lately inserted false and inflammatory accounts respecting the Cause between **THE PHOENIX ASSURANCE COMPANY** and **MR. JAMES BROWN**, late of St. Paul's Church Yard, tending to cast reflections on the Office, who acted under the advice of eminent Counsel, and who had nothing in view by resisting Mr. Brown's claim but a desire of discharging their duty to the public---The following is a correct account of **THE EVIDENCE GIVEN AT THE TRIAL AND TAKEN BY MR. GURNEY.**



BROWN
versus
WORSLEY. } COPY, from Mr. GURNEY'S
Notes, of the EVIDENCE
on the Trial of this Cause in
the Court of Common Pleas,
Guildhall, by a Special Jury,
before the Right Honour-
able Lord Loughborough,
December 15th, 1789.

COPIES FOR MR. CANNON
NEW YORK EVIDENCE
as the Trial of the Case in
the Court of Common Pleas
GEO. H. H. & SONS
100 N. 2ND ST. N. Y. C.
1881

THE
T R I A L, &c.

Evidence for the Defendant.

JANE STEVENS (Sworn.)

Examined by Mr. Serjeant Cockle.

Q. WERE you a servant of Mr. Brown's?

A. Yes.

Q. What time did you quit his service?

A. On the Saturday.

Q. That was in July?

A. Yes.

Q. You slept in the house on the Friday night?

A. Yes.

Q. In what part of the house was you--- pretty late in the evening?

A. In the dining-room up stairs.

Q. In the private house?

A. Yes.

Q. What time did your master leave the house?

A. About half past eight, or near upon nine.

Q. Who was in the house then?

B

A. Me---

A. Me---and Mr. and Mrs. Birkmire--- they were in the other part of the house.

Q. You were the only people in the house?

A. Yes, when the others were gone.

Q. Did any thing remarkable happen that night?

A. Not till my master went out of the house into the country.

Q. What time did he go out?

A. About nine o'clock.

Q. Was that late, or early, for him to go out of town?

A. Later than usual.

Q. How do you know that your master was so late as nine o'clock?

A. Because I saw him---he came down the chamber stairs---I was sitting working ---he very much frightened me---I thought he was gone into the country---I thought he was left the town house---I was sitting in the dining-room at work, I heard somebody come down stairs.

Q. Was it a foot treading, as people go down stairs in ordinary, or slow and soft?

A. Slow---I could just hear his step---I jumped up, and was just going to scream out

out (for I was very much frightened) and I saw my master's back; my master asked me for a stick.

Q. What part of the stairs was it?

A. Between the dining-room and the kitchen---on the landing-place.

Q. He went out?

A. Yes, he did, and I did not see him afterwards.

Q. What stairs was he coming down?

A. The chamber stairs.

Q. Where do those stairs lead to?

A. Up to the top of the house.

Q. How near to the nursery?

A. One pair of stairs.

Q. He was coming down those stairs leading from the nursery?

A. Yes.

Q. What time did you go to bed?

A. About half past ten, I believe, when I went up stairs.

Q. What time did Mr. and Mrs. Birkmire go to bed?

A. I don't know.

Q. Where did you sleep?

A. In the nursery.

Q. How came you to sleep there?

A. I was going away on the Saturday--- the wet-nurse had tumbled the bed, she had laid down with the child; I thought, as I was going away on the Saturday, I would sleep in the nursery bed, then I should have but one bed to make---and I did not sleep in my own.

Q. What did you do when you got into the nursery room?

A. I looked in all the places, as I always used to do---I thought I saw a light in the nursery closet.

Q. Is there a cupboard in that closet?

A. No; there is no cupboard, but there is a place underneath.

Q. What did you see?

A. A candle, wood, and shavings placed together.

Q. How were they placed together?

A. The candle was put in a small piece of mahogany---Mr. Birkmire has it in his pocket now.

Q. Was the candle burnt pretty near to the wood?

A. Yes, about thus much (describing it to be about an inch and a quarter.)

Q. That was not the usual place in which

which you slept ; and you slept in it for the reason you have given ?

A. Yes, that was the reason.

Q. Upon what was this wooden candlestick placed ?

A. Upon a small hat-box or bonnet-box ; it was a paper-box turned bottom upwards.

Q. Were there any chips there ?

A. There was wood laid in this manner (describing it to be piled round the candle) and this piece of mahogany placed up in the middle, and the shavings placed all round.

Q. Did you observe any paper ?

A. There were bits of paper, and a bundle of newspapers tied up with a bit of white ribband.

Q. Were they put near the candle ?

A. Not so near as the other.

Q. Were they put near the wood and the chips ?

A. They were at the top of the closet.

Q. Did you observe any match ?

A. Yes ; there were two brimstone matches, which had been lit at one end.

Q. When you went up stairs did you observe any thing of the window-shutters ?

A. Yes ; they were all shut.

Q. Did you shut them?

A. No---I went up stairs to shut them
---they were all shut.

Q. Were your master's window-shutters
shut?

A. Yes, and the curtains drawn round
the bed.

Q. Had you done that?

A. I had not.

Q. Were the nursery windows shut?

A. Yes, the shutters of the nursery were
shut.

Q. You had not shut any of them?

A. No---When I discovered the candle I
directly opened the door and ran up stairs to
Mr. and Mrs. Birkmire, very much fright-
ened.---I screamed out, and said, " For
" God's sake, Mr. and Mrs. Birkmire, come
" down, or I shall be burnt alive in my bed
" this night."

Q. Was Mr. Birkmire in bed?

A. Yes, and fast asleep when I ran up
stairs.

Q. They were alarmed, of course?

A. They were very much alarmed.

Q. Did they come down?

A. They did.

One of the Jury.---How long had you lived with Mr. Brown?

A. Not quite five weeks---it would have been five weeks on the Monday---I went away on the Saturday.

Mr. Serjeant Cockle.---Of course they came down?

A. Yes.

Q. Did they see it?

A. Yes, and they put out the candle.

Q. Were all the things---the chips, matches, paper, and candle, and every thing that was in this closet, in the same state when Birkmire saw them, as when you first saw them?

A. Yes---for I never touched them---I opened the door and saw them.

Q. That night, I believe, you spent in looking about the house, and taking care?

A. Yes.

Q. Do you remember when your master came home in the morning?

A. Yes.

Q. What time was it that you saw him?

A. Nearer twelve than it was eleven, I believe, in the morning.

Q. Did he say any thing to you?

A. No.

A. No.

Q. He said nothing at all to you ?

A. No.

Q. What time did you leave the house ?

A. I left the house on Saturday, when my mistress and master went into the country.

JANE STEVENS,

Cross-examined by Mr. Serjeant *Adair*.

Q. When you heard a foot coming down stairs, had you seen your master that evening before ?

A. Yes, several times, come up and down stairs.

Q. Then you knew he had been in the house before, though you did not know whether he was gone out or not ?

A. I thought he had been gone out.

Q. How were you employed at that time when you heard the foot coming down stairs ?

A. Sitting in the dining-room mending my coloured apron.

Q. In what part of the room ?

A. Sitting at the middle window.

Q. Had

Q. Had you any lighted candle ?

A. No, I had no candle.

Q. Was the door of the room shut, or open ?

A. Open.

Q. You heard a foot coming down stairs, which alarmed you, thinking your master had been gone out---and you went to see who it was ?

A. Yes---I got up and was going to scream out, and I saw my master's back.

Q. Your master then inquired about a stick ?

A. He asked me for a stick---I gave him a stick.

Q. And he went out ?

A. Yes.

Q. Did your master seem very much alarmed and frightened when he saw you, and you spoke to him ?

A. I don't know, I did not take notice how he seemed.

Q. In what manner was he coming down stairs ?

A. Not very hard.

Q. He is not a noisy boisterous man in the family, but a quiet sedate man ?

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A. Yes.

A. Yes.

Q. Was he coming down in any other way than in the quiet sedate way that he usually does ?

A. No.

Q. Was he coming down like a thief ?

A. No, I don't believe he was.

Q. He came down stairs in the manner he usually does, he asked you for a stick, and went away ?

A. Yes.

Q. You were mending a coloured apron ?

A. I was darning my coloured apron at the dining-room window.

Q. Do you recollect nearly what time it was that you went up to bed ?

A. About half past ten.

Q. You found the shutters of the rooms were shut ?

A. Yes.

Q. And the curtains were drawn round the bed ?

A. Yes.

Q. Your master's bed ?

A. Yes, where my master slept.

Q. Was the bed made, or unmade ?

A. Made---I made it in the morning.

Q. As

Q. As you observed the curtains were drawn, you can tell me whether it was in the same situation still?

A. Yes, I believe it was.

Q. Do you recollect?

A. I believe it was, but I did not take notice whether it was rumpled or no.

Q. How came you to recollect that the curtains were drawn round the bed?

A. Because I saw the curtains were drawn round the bed as I went into the room.

Q. Did you undraw the curtains?

A. I pulled them just aside to see if there was any body in bed.

Q. And the bed was in its usual state?

A. Yes.

Q. You do not, of your own knowledge, know at what time Birkmire and his wife went to bed?

A. No.

Q. They were in the other part of the house?

A. Yes.

Q. Had you seen Mrs. Birkmire much that evening?

A. I saw her once.

Q. At what time?

A. I cannot recollect.

Q. As near as you can recollect?

A. It was after nine I saw her.

Q. You saw her once after your master went out?

A. Yes.

Q. Where did you see her?

A. I believe she came up to my kitchen fire to light her candle, but I cannot be sure whether she did or no.

Q. Can you recollect certainly whether that was so or not?

A. I cannot.

Q. What fire had she in the house to light her candle, if she did not come to your fire?

A. None at all, I believe---I don't know what she had up in her apartments, but she usually came to light her candle at my kitchen fire.

Q. But you have not a positive recollection whether she did so that evening or not?

A. I am not positive.

Q. Did you see her at any time that evening before your master went out?

A. I don't believe I did.

Q. Do you recollect seeing her at all while your master was at home?

A. I did not see her then.

Q. Do you know where she was then?

A. I do not.

Q. Do you know where Birkmire himself was?

A. I do not know, without they were down in the shop.

Q. But you don't know?

A. I don't.

Q. Do you know whether Birkmire was within all that evening?

A. I believe he was.

Q. As far as you know he was?

A. He was as far as I know.

Q. There was nobody in the house, that you know of, but the two Birkmires, yourself, and your master, during all the time that he was at home?

A. Not that I know of.

Q. Be so good as to describe a little more particularly (if your fright gave you leave
to

to observe particularly) the situation the candle was in—it was in a piece of wood by way of candlestick?

A. It was.

Q. About what length was the piece of candle?

A. I believe it was half a candle, as near as I can guess; it might be more, or might be less.

Q. Were the sticks or shavings, or any thing piled up against the candle?

A. Piled up on each side of it, touching the wood round the candle, and the candle was about thus much from catching it (describing it about an inch and a half).

Q. Then the candle must have burnt down an inch or two more before it had caught?

A. Yes.

Q. What was above the candle?

A. Child's pincloths hung over the little door.

Q. That was not at the candle?

A. No.

Q. The candle was at the farther side of the cupboard?

A. Yes.

A. Yes.

Q. Was there any thing above the candle?

A. Yes, two chip hats, which were put over the candle in this manner (describing it.)

Q. To meet?

A. No, not quite to meet over the candle.

Q. What was directly over the candle?

A. A shelf.

Q. Had you time to observe, or did you in fact observe, how far the candle was from the shelf when you saw it?

A. The shelf was very warm; we could not bear a hand against it.

Q. Did you observe at all how far the candle, when you saw it, was from the shelf?

A. I did not.

Q. You could form no judgment of that at all?

A. No: the shelf was very hot; we could neither of us bear our hands against it: Mr. Birkmire took a handkerchief out of his pocket and wiped the black off.

Q. Was

Q. Was the shelf on fire?

A. No.

Q. But it was black with the smoke of the candle, and hot?

A. Yes.

Q. Then it was not burnt?

A. No; only black with the smoke.

Q. Not at all burnt?

A. No.

Q. You cannot form any judgment of the distance of the candle from that shelf?

A. No, I cannot.

Q. Do you know what distance that shelf was from the floor of the cupboard?

A. Not very high; the closet is not very high.

Q. Was this shelf about midway of the closet, or how?

A. It was the middle shelf, I believe, in the closet.

Q. Was it about the middle from the top to the bottom of the closet? How many shelves were in the closet?

A. Two, I believe, but I will not be sure; I was so much frightened.

Q. Had

Q. Had you never seen that closet before?

A. I had seen it, but I did not take much notice of it; I never went into it.

Q. How high was this bonnet-box that the candle stood upon?

A. Not a very high one.

Q. There was not room for any thing very high to stand under the shelf, I believe?

A. There was not.

Q. Be so good as to repeat what you said to Birkmire when you went up.

A. I ran up, and said, "Mrs. Birkmire! " Mrs. Birkmire! for God's sake come " down, or I shall be burnt alive in my bed " this night!"

Mr. Serjeant *Cockle*.—You said that you heard something upon the stairs when you was in the dining-room, and that you was going to scream out?

A. Yes, and directly saw my master's back.

Q. If you had heard a person going down stairs in the common usual way,

D

should

should you have thought of screaming out then ?

A. If I had heard them go down the kitchen stairs I should not have been so much frightened.

Q. Was the person going down in an easy soft manner, or not ?

A. He was going down soft, I could just hear him step.

Q. You judged, at the time when you was about to scream out, that he was going down easily and softly ?

A. Yes.

Mr. *Garrow*.---She said, in his usual way.

A. My master never came down stairs hard.

Mr. *Serjeant Cockle*.---Did your master in common come down stairs just as he did that night ?

A. I believe he did.

Q. Did your master say any thing to you in the morning ?

A. He said nothing to me.

Q. Had you no conversation with him in the morning ?

A. In the morning I had not.

Q. You was not present when Birkmire told him of the accident?

A. Mr. Birkmire went up stairs with my master and Mr. William Brown.

Q. You was not there?

A. No, I stopped with my mistress below.

Q. Who paid your wages?

A. My mistress,

WILLIAM BIRKMIRE (Sworn.)

Examined by Mr. *Shepherd*.

Q. I believe you lived as foreman with Mr. Brown in July last?

A. Yes.

Q. At what time did you come home from your work on Friday the 10th of July.

A. Pretty soon in the evening.

Mr. Serjeant *Adair*. What paper is that you have in your hand?

A. Only a memorandum of the dates.

Q. When did you make them?

A. Upon a recollection after my last examination.

Mr. *Shepherd*.---Is it any thing more than dates ?

A. No.

Mr. *Garrow*.---Let me look at it.---(The witness gave it into Court.)

Mr. *Shepherd*.---I am now speaking of the night when the candle was discovered in the closet ?

A. That was the Friday night.

Q. What time did you come in ?

A. When I saw my master it was between the hours of six and eight---I cannot be certain to an hour---I did not go in to my master till some time after I had been home---one of the porters made a charge I thought it not right to pay, I went to consult my master whether I should pay it or not---I went into the counting-house to my master.

Q. What was your master about at that time ?

A. He was putting by the books.

Q. Where did he put them ?

A. Into an iron safe.

Q. Did he put any thing into that iron safe besides the books ?

A. There

A. There were papers missing off hooks, but whether he put them in or no, I cannot say.

Q. Had he been used to put the books into the safe?

A. He had not.

Q. Who had been used to do that?

A. At times I have done it, sometimes my wife, sometimes Mr. Longman, who lives at Newington.

Q. How long after he had been putting away these books was it before he went out?

A. He went up the private stairs before he went out.

Q. Do you know the time yourself when he went out of the house?

A. As near nine o'clock as possible.

Q. Do you know where he was, from the time you saw him put away these books and quit the counting-house, till he went out?

A. He went up the private stairs, and he came down, instead of the private stairs, down the warehouse stairs, and he went out of doors directly.

Q. About

Q. About what time did he generally go to his country house?

A. I never knew him to be there so late before---sometimes he went out sooner.

Q. Did he usually go so late as that to his country house?

A. Not to my knowledge.

Q. After your master went away, did any thing material happen? did you make any observations till you were called up by Jane Stevens?

A. I went in---I had received some orders.

Q. Nothing particular happened till you were called by Jane Stevens, did there?

A. After Mr. Brown was gone, I went in to see for the key of the iron safe---I missed the key out of its usual place.

Court.---Did you find the key?

A. I did not.

Mr. *Shepherd*.---Had that key been usually left in the counting-house?

A. It had; and I generally locked up the counting-house door, and took the key up with me---Mr. Brown had a key to let himself in or out, and I had another key.—

To

To satisfy myself further about the key of the iron chest, I made a search in the desk in the morning, and it was not in the place.

Q. What time did you go to bed?

A. Between nine and ten. I never went out of the house that night, after I had spoke to Mr. Brown.

Q. You and your wife?

A. Yes, both of us were in the house.

Q. How long, after you had been a-bed, was it before you were disturbed by Jane Stevens?

A. I don't know; it was either my wife or Jane Stevens disturbed me.

Q. How long had you been a-bed?

A. An hour, or better.

Q. Was you asleep?

A. I was asleep.

Q. Do you recollect what Jane Stevens said to you?

A. She came in a rage, and called out upon the stairs, Her rascal of a master! Her rascal of a master!

Q. Did she come up in a great fright?

A. I

A. I thought she was in a great fright, and in a great rage.

Q. Did she appear to be frightened—to be alarmed?

A. Very much frightened.

Q. You say, she appeared to be very much terrified?

A. She did.—I thought somebody had broke into the house, at first.

Q. Did you go down stairs?

A. They were running down: I thought I was better to meet them than the women were; I took a large bed lath. She never mentioned any thing about fire, or any attempt; but she said, "In there! in there!" and pointed into the nursery.

Q. Did you go into the nursery?

A. I did.

Q. What did you see when you got into the nursery?

A. There is a cupboard within a closet: in this cupboard, within the closet, there was a hat or a bonnet box.

Q. What was it made of?

A. Pasteboard.

Q. Were

Q. Were these things in the cupboard?

A. The things that I will relate to you were in the cupboard:---The box was turned topfy-turvy, placed as my hat is now: this is the piece of wood, and the candle was put in it in this manner (describing it): of each side of this candle were pieces of wood, laid in this manner (piled round it) the same as you may buy at the chandler's shop, but finer; upon that there were shavings; in the shavings there were matches; withinside there were two children's hats, placed in this manner (describing it) one on each side the candle; either chip or Leg-horn hats.

Q. How far was the candle from being burnt down to the wood that supported it?

A. I believe about the length of my thumb; but I cannot be certain to that: it was that length from the wood piled round it.

Q. How long was the candle?

A. I don't know: this is the remains of the candle (producing it); it was about the length of my thumb from the shavings and matches.

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Q. What

Q. What sort of door is there to this cupboard?

A. It is a little cupboard; there is a wooden door to it.

Q. What sort of door is there to the closet?

A. A wooden door also.

Q. Was there any thing hung upon this cupboard door?

A. There was either a gentleman or lady's dressing-gown hung over the cupboard door, to prevent the light making its appearance. Supposing this the top of the closet, in the cupboard over this was hung a lady's or gentleman's garment for dressing: there were two gentlemen's also; they were confined to the door with what we call a two-cut batten.

Q. In such a situation as to prevent the light appearing through the crevices?

A. I looked upon it so: this piece of deal wood was laid angle ways, to keep the cloaths that hung upon this little cupboard close up to the crevices.

Q. Did you observe the key-hole of the closet?

A. I

A. I did ; it was stopped with paper.

Q. Is that the outside door ?

A. It was the outside door.

Q. What did you do when you got into this room, and found these things?

A. My wife put the candle out ; I ran to the closet to see if there had been any thing else ; I put my hand to the top part of the little cupboard, over the candle, to see if there was any fire ; I could not bear my hand.

Q. How far was the top of the cupboard from the candle ?

A. I cannot say.

Q. Did you remove any of the things?

A. No ; I left the candle, and every combustible, in the closet, after I put the candle out, in the state I found it.

Q. Did you go to bed again ?

A. I did, and got up at different times in the night to see that all was safe.

Q. Did you observe any papers among those combustibles, that night ?

A. I saw some papers upon the top of the shelf.

Q. Did you yourself make any observation of what those papers were ?

A. To the best of my knowledge they were newspapers.

Q. Where were they ?

A. On the top of the cupboard; outside the cupboard,

Q. Within the closet ?

A. Yes, and a top of the cupboard.

Q. Did you observe what those papers were ?

A. I did not ; I thought they were newspapers.

Q. Had you, in the course of the morning of that day, observed any letter or paper in your master's hand ?

A. In the evening I saw a letter in my master's hand, in the counting-house.

Q. Do you know who that came from ?

A. I believe it came from Dr. Batten, from a person who will give you an account of that.

Q. What time did your master come home next morning ?

A. I cannot be certain ; it was from the hour of ten to eleven, I think.

Q. Before

Q. Before your master came home, did you shew this cupboard to any body?

A. Yes, to every body that worked about the house.

Q. Did you shew it to a man of the name of Warner?

A. I did.

Q. Did any person take up any paper?

A. The fourth time of going up, Mr. Warner picked up this letter; he clapped his hand upon his knee in this manner (flapping his knee) and said, It is too bad.

Q. Was that letter in the cupboard, upon the shelf?

A. No, upon the floor of the closet.

Q. Do you know what that letter was?

A. From the account of Mr. Warner, and afterwards getting the letter into my hand, I believe it was in answer to a letter.

Mr. Serjeant *Adair*.---Unless you mean to call Warner, this is not evidence, and I shall object to it---if you do mean to call Warner, I shall not object to it.

Mr. *Shepherd*.---Did you see the letter?

A. I did.

Q. Who did it come from?

A. From

A. From Dr. Batten.

Mr. Serjeant *Adair*.---Did you see who the letter was from? did you read it?

A. I did not; I saw it.

Mr. *Shepherd*.---Did you see enough to know from whom it came?

A. From Dr. Batten. There was an answer, at the bottom of the letter, to my master, to the business he had sent after.

Mr. Serjeant *Lawrence*.---Brother Adair, will you produce that letter?

Mr. Serjeant *Adair*.---We have looked for it, and have it not.

Court.---What reason had you for knowing it was the letter his master had in his hand in the evening.

A. Mr. Warner went in the day with the letter, and brought it back, and gave me charge that Mr. Brown should have the letter.

Mr. *Shepherd*.---Did that letter get to the hands of your master in that day?

A. I look upon it that was the letter he was reading when I went into the counting-house; Warner put it into the counting-house.

Mr. *Shepherd*.---Did you afterwards see your master in the counting-house reading any letter?

A. Yes, I did, which I believe to be that letter.

Q. How long was it after Warner had put that letter in the counting-house, that you saw it in your master's hand?

A. I cannot say.

Court.---At what time did Warner put it into the counting-house?

A. It was in the evening, I look upon it, somewhere about seven or eight o'clock; I will not be certain to the time.

Mr. *Shepherd*.---Did you see that letter in the counting-house, at any time, after you saw your master reading a piece of paper there?

A. No.

Q. Then, if it had been put there, it was gone?

A. Certainly.

Q. You did not see it afterwards?

A. Not that night.

Q. How long after Warner had pick-
ed

ed up this paper, on Saturday morning, was it that your master came home?

A. It was the fourth time of our going up into the closet---it was an hour and a half, or better, before my master came home.

Q. Did you leave that letter in the closet?

A. Yes, in the same state we found it.

Q. When your master came home, on Saturday morning, did you say any thing to him about the circumstance that happened the night before?

A. I first spoke to him in the nursery.

Q. Did you see your master come home?

A. Yes, he came home in a hackney coach, and went into the counting-house.

Q. Was there any body there?

A. Yes, there were two gentlemen there, who they were I don't know.

Q. How long did he stay in the counting-house with those two gentlemen?

A. A very little while.

Q. Where did he go to, when he came out of the counting-house from those gentlemen?

A. Into

A. Into the private house.

Q. Do you know what became of those two gentlemen ?

A. I don't know, they were gone out when I came down stairs again.

Q. When your master went into the private house, where did you go to ?

A. I followed him as fast as I could---he went into his own bed-room, which is adjoining the nursery.

Q. Did he go into the bed-room ?

A. He could not get in, because I had locked the door.

Q. Did you usually lock the door of his chamber ?

A. Never in my life before.

Q. Did your master say any thing to you, when he found the door of his chamber locked ?

A. Not a word.

Q. Did you produce the key immediately, or did he ask for it ?

A. I ran before him and unlocked the door.

Q. When you unlocked the door did he make any observation to you about it ?

F

A. None

A. None that I remember.---When he got into the room I took him round to the nursery.

Q. There is a communication between the nursery and that bed-room?

A. There was a door that opened out of his bed-room into the nursery, and nobody could get into the nursery without going through that bed-chamber.---I shewed him the danger that the house had been in.

Q. Did you open the closet door?

A. I left the closet door open.---I shewed him the danger the house had been in---said he, It is done on purpose---I said, There was not the least doubt, from the appearance, that it was done on purpose.

Q. What did your master say to that?

A. Mr. William Brown happened to come in---he saw the state it was in---and then Mr. Brown, and two children, were there---at the time when they came he made no more answer to me, but went down stairs.

Q. Did he make any other observation, or
any

any comment, except saying, that it was done on purpose ?

A. None.

Q. Who was Mr. William Brown ?

A. A gentleman that lives in Cheapside
---Mr. James Brown's wife's brother.

Q. How came Mr. William Brown to know any thing about it ?

A. I had been after him three times that morning.

Q. Did you see Mr. William Brown that morning ?

A. I did.

Q. How often had you been after him before you saw him ?

A. Twice before I saw him.

Q. When you saw him, did you tell him what had happened ?

A. The first time I went I informed Mr. Brown's servant of the danger the house had been in.

Q. Do you recollect the time in the morning when you first went to Mr. William Brown's ?

A. I cannot, my flurry was so great.

Q. Was it pretty early ?

F 2

A. The

A. The shop was opened.

Q. How long after the first time did you go again?

A. In about three quarters of an hour.

Q. Did Mr. William Brown come in the mean time?

A. He did not.

Q. Then in three quarters of an hour you went again?

A. Yes---one of Mr. William Brown's servants came, and informed me his master was come down---I went and told him that the house had been in such danger, and that, as Mr. James Brown was not in town, that as he was a relation, I thought it requisite that he should come and see the state the house was in, as the servant was going away.

Q. Your master, you say, without saying any thing else, went down stairs, after you shewed him these things in the closet?

A. Yes.

Q. What passed after that?

A. When I went down stairs he was gone out.

Q. Did

Q. Did you, when you saw him again, say any thing to him about it?

A. Yes, in the evening I asked him if he had made any enquiry into it---I said what a loss it would be to you and to myself both.

Q. What made you say it would be a loss to yourself?

A. Because my property was in the house.

Q. What property had you in the house?

A. I furnished my own room, and had furniture in different parts of the house besides.

Q. Was your furniture insured?

A. No.

Q. To what amount might you have property in this house?

A. I never made an estimate of it.

Q. Whereabouts do you think?

A. I cannot say what amount.

Q. Can you give any sort of guess.

A. Not with a certainty, Mrs. Birkmire has a list of them.

Q. Upon your making this representation to him, and asking him whether he had made any enquiry, what answer did he give you?

A. He

A. He asked me why I could suppose the cook could do any thing of the kind, at the same time that she came to alarm me, when I was asleep.

Q. What did you say to that ?

A. I made him no further answer---then he gave me money to go and pay the people in the shop.

Q. Had you said any thing to your master about the cook, before he gave you that answer ?

A. I had not, I only asked him whether he had made any enquiry.

Q. Did you say any thing to your master, except merely putting that question to him, Whether he had made any enquiry ?

A. I might say many things which I don't recollect.

Court.---Your master's answer, and your question, don't agree with one another ?

Mr. Shepherd.---Had you said any thing to your master, before that, about the cook, or about any body else ?

A. The cook was going away that day.

Q. What did you say to your master about this cook ?

A. It was he that said to me about the cook---

cook---I informed my master of what the cook had said.

Q. When did you tell that to your master?

A. In the evening.

Q. What did you tell your master?

A. I cannot recollect; but, to the best of my knowledge, that she said she was going away in the morning, and she was determined to go down to Stratford for her wages.

Q. When you had this conversation with your master about this cook, did you desire your master to do any thing?

A. No, nothing at all.

Q. Did you desire the cook, or any body else, to be examined by your master?

A. No, I could not, because I did not know who where the persons that did it.

Q. Do you know whether your master did make any enquiries at that time?

A. I never heard that he did.

Q. Was this all the conversation that you recollect, that passed with your master on that Saturday night?

A. I was paying the people---I was called into the counting-house again; he gave

me the money to take up a bill of 13*l.* 10*s.* ---he sent me to Saffron Hill, to a bedstead maker, of the name of Elam---I ran as fast as I could, that he might make some enquiry, or order somebody to patrol the house that night. When I came back my master was gone.

Q. This was on the Saturday night?

A. Yes, it was.

Q. Did Jane Stevens go away then?

A. Yes, that night.

Court.---I took down that he said the cook was going away next day?

A. I said, that as the cook was going away, there ought to be an enquiry made.

Mr. Shepherd.---Was the cook going away on that day---the Saturday, or on the Sunday?

A. On that Saturday---she went on that Saturday night.

Q. Who came in her place?

A. There came nobody in her place till the Monday.

Q. Who was that person?

A. Peggy Harris, a person that had lived with Mr. Brown some time before.

Q. I

Q. I believe nothing happened either on the Saturday night, or the Sunday?

A. Nothing at all.

Q. Did your master either come or send to town on Sunday?

A. Not to that house.

Q. What time did he come to town on Monday morning?

A. About eleven o'clock.

Q. Did any part of his family come with him? were they there at any time that day?

A. They might be in his private house, unknown to me; I had nothing to do with the private house.

Q. What time of day did your master go out on Monday?

A. About two o'clock.

Q. Do you know whether he belonged to any Monday club?

A. Yes, at Highgate.

Q. Had it been your master's custom to sleep at Holloway Down, or in London, on Monday night?

A. In London.

G

Q. Did

Q. Did he generally come home late of a Monday?

A. He could come into the private door, without our knowing when he came in.

Q. At two o'clock on Monday your master went out?

A. Yes.

Q. That was the last time you saw him on Monday?

A. It was.

Q. When the shop was shut, and the business all done on Monday, did you make a search all over the house?

A. I did, just after Mr. Brown went out of the house; I found all safe: I searched in every part where I thought there was danger, after Mr. Brown had come out of the private house, between two and three o'clock.

Court.---Two or three o'clock in the day?

A. Yes.

Mr. Shepherd.---Did you at any time afterwards in that day, before you went to bed, look about the house again?

A. I

A. I did again at dusk.

Q. Do you know whether there had been any fire in the kitchen on that day?

A. Not from the hour of nine in the morning.

Q. Did you search the house before you went to bed?

A. Yes; my wife and the cook went into the kitchen, and I looked over other parts of the house while they went to see if all was safe there: I looked into the kitchen; they went in and searched it.

Q. Was all safe, for aught that appeared to you?

A. It was.

Q. At what time did you make that last search?

A. The last search was between nine and ten, that I searched myself.

Q. Did you go through the passage of the private house?

A. I did that night.

Q. Do you know how the door was fastened?

A. I saw the chain across.

Q. Did you go to bed immediately after this search?

A. We went to bed between eleven and twelve.

Q. Margaret Harris slept in the house that night?

A. She did.

Q. How long after you had gone to bed was it before you were disturbed by Margaret Harris, or by any body?

A. It was between twelve and one.

Q. What was the first thing that alarmed you?

A. I slept in the nursery, as Mrs. Brown had called of the Monday night to give a particular charge to my wife: as she had left every door open, I and my wife slept in the nursery for safety, as the attempt had been made there before.

Court,---Give a particular charge of what?

A. Of the house, on account of the attempt that was made before; she said, she had left every door open, that she would not trust the charge to Margaret Harris, but to my wife and me,

Q. After

Q. After you were gone to bed in the nursery, who alarmed you first?

A. Peggy Harris: she halloa'd out, "Fire! fire!" I got up directly; I was running down the private stairs; the flame and smoke came so rapidly, I slipped down four steps; I could not get down that way. There was a communication between one house and the other; I went up stairs again, and went through that communication, and came down through the warehouse.

Q. Then you could not get down the private stairs to the street-door?

A. No.

Q. Whereabouts was the kitchen?

A. Under the room that I slept in; underneath the nursery; the kitchen is up one pair of stairs.

Q. What door did you get out of?

A. The warehouse door into the street.

Q. When you first came down through the warehouse door into the street, did you see any body?

A. Mr. William Brown was the first gentleman that came, when the cry of Fire was.

Q. Was

Q. Was he the first person you saw ?

A. Yes.

Q. Was any body with him ?

A. Two gentlemen, but I don't know who they were.

Q. Were you without cloaths at that time ?

A. I had a great coat in the ware room, and that and my night-shirt was all that I had.

Q. Where did you go to ?

A. I went into the Old Change, there I got a pair of breeches and a pair of stockings, and then returned again; but I moved a great number of things before I went there. Mr. Simpson, in the Church-yard, asked me to hold up my apron; I did not know whether I had cloaths on or no; I held up my shirt, and the people laughed; then I went and got some cloaths.

Q. Did you assist in getting goods out of the house ?

A. I did, till I could not stay any longer in the house. I was coming down stairs with a very valuable glass, part of the stairs
gave

gave way; the glafs ran down my leg, and laid it open.

Q. You worked at this houfe as long as you could?

A. I did till the very laft moment.

Q. Who affifted you?

A. Several people.

Q. Did thofe gentlemen with Mr. William Brown, at the door, affift you?

A. They did.

Q. Did you know what became of Mr. William Brown; he went, I believe, to your mafter?

A. He did.

Q. Did you lofe your property?

A. I did, my cloaths and all.

Q. A good deal of your mafter's property was faved?

A. It was, for I ftaid till the laft moment.

Q. When did you firft fee your mafter, after the houfe was burnt down?

A. I cannot be exact to the hour; it was the morning of the fire I faw him in the Church-yard.

Q. What did you fay to him?

A. I

A. I did not speak to him; he was leaning upon a stone, and looking very heavy.

Q. He seemed very melancholy?

A. Yes; there was a man in the Church-yard was speaking against Mr. Brown.

Q. Did you hear your master say any thing?

A. I did not, till he called upon me where I was gone to lodge.

Q. Do you recollect, at any time before this, any goods being sent out of your master's house?

A. Yes.

Q. How long before the fire?

A. In the course of the week of the attempt.

Q. Do you know whose goods they were?

A. A gentleman that was abroad.

Q. Do you know his name?

A. Mr. Benn.

Q. Where were those goods in the house?

A. It was in the room even to where I slept, where he intended to make a washing room, I think.

Q. Were Mr. Benn's goods of much value?

A. Very good things---bookcases, wardrobes, and such things.

Q. How came they to be placed with your master?

A. I don't know---they were there before I went there.

Q. Do you remember any thing of your master's being removed, of any sort?

A. Yes.

Q. What were they?

A. They went to the country-house---there were some prints removed to the dining-room too, where Mr. Benn's goods were.

Q. Were they valuable prints?

A. Very valuable---they were moved one day while I was up at dinner.

Q. About the same time?

A. Yes.

Q. You said there were some goods also sent to the country-house?

A. Yes---a commode dressing-table, tea-board, chairs, snuffers-stand, bread-basket, and several other things.

H

Q. The

Q. The others were sent to a Mr. Godfrey's ?

A. Yes, I helped to move them myself---but Mr. Brown gave me orders to remove those prints, because, he said, he meant to fit up the room.

WILLIAM BIRKMYRE,

Cross-examined by Mr. Serjeant *Bond*.

Q. You say there were five prints removed ?

A. I did not say any number.

Q. Did you know what prints they were ?

A. I did not.

Q. I believe there were a good many left ?

A. There were.

Q. There were some valuable prints of Woollett's left, I believe ?

A. I don't know what they were---they were taken down and put face to face.

Court.—They were all to be removed because the room was to be repaired.

Mr. Serjeant *Bond*.—Do you know of what

what value this furniture was, that was sent to the country-house ?

A. No, I don't.

Q. A few matted chairs, a commode, and a teaboard, were sent down for the use of the family ?

A. Yes.

Q. Sent by a public errand cart ?

A. Yes.

Q. What property might your master have in the house at this time ?

A. It is out of the power of any man to tell, without they took an inventory--- there were a great many things in sight, and a great many out of sight.

Q. Were there not drawers and chests full of furniture ?

A. Yes.

Q. A whole warehouse full ?

A. I cannot call it a whole warehouse full ; there was a great stock.

Q. Can you speak generally to the value of that stock ?

A. I cannot, nor no man in the kingdom, without taking an inventory.

Q. I believe you know that it was a great deal more than the insurance ?

A. I believe it was.

Q. There were goods saved to a greater value than the whole amount of the insurance ?

A. I cannot tell---the gentleman that valued them is the better judge of that.

Q. How long have you lived with Mr. Brown ?

A. From the 27th April.

Q. Did your wife come about the same time ?

A. No, a week after.

Q. In what way did you serve him---what was your duty, and what your wife's ?

A. I was employed as manager of his business, to receive orders, and send out goods ; and she in serving in the shop.

Q. On Friday the 10th of July, you had been up to the other end of the town ?

A. I had.

Q. Had you been drinking that day ?

A. I had.

Q. I believe there had been a little reprimand from your master that evening ?

A. Yes ;

A. Yes; when I went into the counting-house, to make a complaint of the porter about a charge which, I thought, was an imposition, and did not choose to pay it without his leave, he charged me with drinking---I told him, I had had two pints of porter, and went without my dinner that day to oblige him.

Q. He charged you with being tipsy---he thought you had been drinking, and told you so?

A. He did.---I told him, I would bring the porter to tell him what I had drank.

Q. After this, you saw him put the books up in the safe?

A. No; it was before that he had been putting the books in.

Q. The other shopman was gone to Newington?

A. I don't believe he was there that week, to do any business.

Q. Longman was not there?

A. He was not.

Q. This, you say, was the 10th of July?

A. To the best of my knowledge, it was.

Q. Your

Q. Your master came down the public stairs into the warehouse, and went through the warehouse into the street ?

A. He did.

Q. What o'clock was that ?

A. I believe nine, as near as I can recollect.

Q. Did you look at the clock at that time ?

A. I did not.

Q. It was not dark ?

A. No.

Q. As to the key of the iron safe, where was that usually kept ?

A. In the desk in the counting-house.

Q. Are you sure it was not there at that time ?

A. I am positive of it.

Q. Where did it appear to be next morning ?

A. The key was kept away from the iron chest all the time.

Q. Was the iron safe opened the next day ?

A. I recollect seeing the key afterwards

in the iron chest; but it was taken out again.

Q. Do you mean that you saw it on Friday night, or Saturday morning?

A. It could not be on the Friday night, for the key was taken away; it must be some time in the course of Saturday.

Q. You said, you did not know whether it was Jane Stevens or your wife that awoke you?

A. I did not.

Q. What did Jane Stevens say?

A. She called out, The rascal of her master! The rascal of her master!

Q. Are you sure of that?

A. Yes.

Q. Where did she say that?

A. Upon the stairs, going down stairs.

Q. Had she been in your room at that time?

A. She had.

Q. You thought, from the way in which she came, that somebody had broke into the house?

A. Yes, I did.

Q. When you came into the nursery, did you

you look at the top of the cupboard, or the shelf that was above the candle ?

A. I looked at it, and felt it.

Q. Did you do any thing else to it ?

A. I looked at it to see if any part had been on fire.

Q. Was any part of it blistered or burnt ?

A. It could not be so hot without having some blister, or some such thing : it felt exceeding hot ; I could not bear my hand to it.

Q. Did you do any thing else to it ?

A. My wife put the candle out, and I found every thing was safe.

Q. You did nothing else ?

A. No farther than seeing that the place was safe.

Q. Did any body wipe it ?

A. I did not wipe it.

Q. You did not take out your handkerchief and wipe off the smoke ?

A. Not to my knowledge ; I won't be positive : I don't think I had a handkerchief about me, for I was in my shirt.

Q. Is that the very piece of candle ?

A. To

A. To the best of my knowledge it is.

Q. Where did you get that candle from?

A. I got it from a gentleman in the next room, to-day; a Mr. Wilkinfon: I cannot swear it is the fame, because it has been out of my custody.

Q. Who is that gentleman? does he belong to the Fire-office?

A. He does.

Mr. Serjeant *Adair*.---I should be glad to look at that candle and the wooden candlestick.

Q. Was that piece of paper round it?

A. There was a piece of paper round it.

Q. In the way this is, or round the bottom of it?

A. I don't know.

Mr. Serjeant *Bond*.---Was not it produced, with a piece of paper round the bottom, before the fitting Alderman?

A. I don't remember.

Q. How far was the flame of the candle above the wood and shavings?

A. About the length of my thumb.

Q. Did you observe whether much tal-

I

low

low had wasted down, as if it had been alight a long time?

A. The wood and shavings that were placed round must prevent the tallow wasting down.

Q. Did you observe much tallow wasted among the wood or shavings, as if the candle had been lit a long time?

A. No.

Q. After the candle was put out by your wife, and you went away, did you go to bed that night?

A. I did, and got up again different times in the night.

Q. In the morning, had you locked up the room where the candle was?

A. No.

Q. When did you lock it up?

A. When I was going out to Mr. William Brown, was the first time I locked it up.

Q. How many times had you been in the room before that?

A. Four times.

Q. Had you shewn it to every workman that came into the house?

A. To

A. To the men-workmen I did.

Q. All the men that worked in the house had been carried up by you, at different times, to see this thing?

A. As they came in the morning, I took them up, and shewed them the state of the things.

Q. And this was before the room was locked up?

A. Yes.

Q. What time was it when you went up with Mr. Warner?

A. I had been up two or three times with Mr. Warner; we went up, and Mr. Warner found the letter.

Q. Had you locked the room up before that time?

A. I had not.

Q. At that time did you lock up the room?

A. I don't know whether I did or not.

Q. When your master came home on the Saturday morning, in a hackney-coach, was your mistress returned? Who was in the hackney-coach with him?

A. I saw none but himself in the coach?

Q. You did not see the gentleman that was with him?

A. I did not observe any body with him.

Q. You did not see that it was a gentleman that set him down?

A. No; I know it was a hackney-coach.

Q. How long was it after before your mistress came home?

A. In a little time.

Q. Then your master went into the counting-house?

A. Yes.

Q. There were two gentlemen waiting?

A. There were two people waiting; who they were, I don't know.

Q. After that he went up stairs?

A. He did.

Q. Do you remember your master's going up stairs?

A. Yes, for I followed him.

Q. After he had seen the closet, do you remember his saying any thing to Edward, the footman?

A. He sent the footman up.

Q. Did you hear him send him up?

A. No.

Q. He came up?

A. Yes, he did: one of the daughters picked up this letter, and gave it to Mr. William Brown.

Q. I think you had some conversation in the evening, with your master, about the cook; was the cook gone away then?

A. No, she was in the private house at the time.

Q. What sort of a man was your master?

A. A very good kind of man to me.

Q. A good worthy man to you?

A. I always found him so.

Q. He was an easy, quiet man?

A. As far as I saw.

Q. He carried on a considerable deal of business at that time?

A. A good deal of business.

Q. At that time don't you know that he was in some embarrassments in his circumstances?

A. There were different applications, at different times, for payment, and there came a man with a threat.

Q. Had not he serious business upon his mind, at that time, without doors?

A. I

A. I believe he might.

Q. You have had information since that he had ?

A. I have.

One of the Jury.---When were those goods removed to Mr. Benn's ?

A. In the course of the week of the attempt.

Q. Was it before the attempt ?

A. It was.

Mr. Shepherd.---You have been asked about your master talking of your being in liquor on the Friday night ; tell the gentlemen where you had been that day ; Had you been at work in your master's business ?

A. I had.

Q. Had you been drinking any thing more than merely refreshment, whilst you had been at work ?

A. I am positive of it.

Q. Were you perfectly sober ?

A. As perfectly sober as I am at this moment.

Q. When you came into the counting-house, what was your master about, before he said any thing to you of any sort ?

A. He

A. He had the books in his hand.

Q. Was he at that time putting them into the safe?

A. He was.

Q. Was it before he had seen you, after you came in?

A. It was before he spoke to me: I believe he had not seen me---he might though; but not that I know of.

Q. Had you been employed in business after you came in?

A. I was in the warehouse, doing something, I cannot tell what, in his business.

Q. You said you had a dispute with the porter?

A. I went to him about the overcharge I thought the porter made.

Q. Was that what led you into the counting-house?

A. It was.

ANN BIRKMIRE (Sworn.)

Examined by Mr. *Russel*.

Q. You are the wife of the last witness?

A. Yes.

Q. Did

Q. Did you live with Mr. Brown in July last ?

A. Yes ; I went to Mr. Brown's on the 4th of May.

Q. Who slept in that house on the Friday night ?

A. Myself, Mr. Birkmire, and Jane Stevens.

Q. Was that all ?

A. Yes.

Q. What time did your master leave his house that night ?

A. About nine o'clock.

Q. Did you see him at the time he left his house ?

A. Yes ; he came into the shop about nine o'clock : we thought he had been gone to the country house.

Q. Was that a later or an earlier hour than he was accustomed to go to his country house ?

A. A later hour.

Q. What was his ordinary hour of going to his country house ?

A. About six or seven o'clock.

Q. What

Q. What time did you go to bed that night?

A. About ten o'clock.

Q. Which went to bed first, Stevens, or you, or your husband?

A. Mr. Birkmire went to bed first: I had been very ill all day; he desired me to get something warm: he went to bed; I went to bed about ten. Jane Stevens said, "Mrs. Birkmire, do you keep your door open;" which is a door that leads to the private house. She went up the shop stairs along with me, and she desired I would leave the door open which has a communication with the private house, in case she should be frightened, as there was only herself in the house.---I said I would.---She said, "I shall sleep in the nursery to night, on account of the bed being tumbled," and then next morning she should have only one bed to make, as she was going away the next day.

Q. Do you know whether she was going away of her own will, or was she dismissed by her master?

K

A. Of

A. Of her own will; she had given warning.

Q. Was you disturbed at all in the night?

A. Yes.---When I went to bed I bolted my own door, as I always do. Mr. Birkmire was asleep when I went into the room.

Q. What time in the night was you disturbed?

A. Between ten and eleven o'clock: about half past ten.

Q. By whom?

A. By Jane Stevens coming running up stairs: she said, "O my God, Mrs. Birkmire!---The villain, my master!---Come down into the nursery!" We waked my husband, and desired he would come down into the nursery. He went down; he supposed somebody had broke into the house: we all went down together. She kept repeating, "The rascal, my master!" When we went down into the nursery, "Look there!" says she.---I ran up and put the candle out.

Court.---Repeat what you heard Jane Stevens say when she came up the stairs.

A. "O

A. " O my God, Mrs. Birkmire!---The
" villain, my master!---Come down into the
" nursery!"

Q. What did you observe when you got
to the nursery?

A. There was a bonnet box turned bottom
upwards, a piece of mahogany with a candle
in it, and several pieces of wood rather longer
than what one buys at the shops, two
Leghorn hats bent over the candle, and the
candle was burning under the shelf.

Q. Did you observe the wick of the
candle?

A. I cannot say I took that notice, I
was so terrified.---I put the candle out.

Q. Did you make any observation upon
the wick?

A. It appeared a good deal burnt.

Q. What did you do after you had put
it out?

A. After we had put it out, we went
round the house together to see if there was
any thing else, for fear the house should be
on fire; we did not see any thing, but Mr.
Birkmire went about the house the whole
night. Jane Stevens was in our room the
whole of the rest of the evening, except

when she went out with us to see if any thing was the matter. We went about the house to see if every thing was safe.

Q. How soon, the next day, did you see your master?

A. About eleven o'clock.

Q. Was you present when he first was shewn these combustibles?

A. I was in the shop when he came; he came in a hackney-coach; he went into the counting-house.

Q. Had you any conversation with him before he went into the counting-house?

A. None.

Q. Where did he go when he came out of the counting-house?

A. He went up stairs; Mr. Birkmire was there and Mr. William Brown.

Q. Do you know how Mr. William Brown came to be there?

A. Mr. Birkmire went to him in the morning, to let him know of the alarm?

Q. Did you see your master again during that day?

A. Yes.

Q. Had you any conversation with him about this alarm?

A. None at all.

Q. Did

Q. Did you hear him say any thing about it?

A. I did not.

Q. Was there any examination of you, your husband, or Jane Stevens, that day?

A. There was not.

Q. Had you any conversation with Mr. Brown, or did you hear any body else have any conversation with him, respecting the examination of any of you?

A. I did not.

Q. What time did your husband come home to his work on the Friday night?

A. He was at home by seven o'clock or before---he was out all day.

Q. How soon did you see him after he came home?

A. The whole time after.

Q. Was he sober, or was he intoxicated?

A. He was sober.

Q. Are you sure of it?

A. I am: he was perfectly sober.

Q. Nothing, I believe, particular happened in the house, either on Sunday or Monday during the day?

A. No.---There were only us two in the house on Saturday night and Sunday night.

Q. Who came in the room of Jane Stevens?

A. Marga-

A. Margaret Harris; she came on the Monday evening; none of the family was in town. Mrs. Brown called about nine on Monday evening, to ask if there had been any messages left for her.

Q. On Saturday night and Sunday night, did any body sleep in the house, but you and your husband?

A. No.

Q. On the Monday night the maid, who came in the room of Jane Stevens, slept in the house?

A. She did.

Q. Did any thing happen on Monday night?

A. Yes, that was the time the house took fire, between twelve and one.

Q. How late on the Monday did you see your mistress?

A. About nine o'clock. She was not at the house the whole day; she only called at the house in the chariot about nine o'clock in the evening.

Q. Did you receive any particular orders respecting the house?

A. She told me to send for Margaret Harris, if she was not come, that she might prepare her room against next day. She said,

said, I don't leave the charge of the house to the cook, but I give you particular charge, and Mr. Birkmire---Good night.

Q. Did you use any particular precaution with respect to fire ?

A. We did.

Q. Did you, before you went to bed, examine the house ?

A. Yes, all over.

Q. Did you go into the kitchen ?

A. Yes, the last place we were in.

Q. Did you search the kitchen ?

A. Yes, we looked into every place.

Q. Was there any appearance of fire ?

A. None at all---there had been no fire in the kitchen---there was a fire at eight in the morning, to boil our tea-kettle---I went up about nine and put the fire out, and took some water to slack the fire, that there should be none at all, after I had breakfasted.

Q. What time did you go to bed on Monday night ?

A. About half past eleven.

Q. Which went to bed first, Margaret Harris or you ?

A. We slept in the nursery, she slept in Mr. Brown's room---we all went up together

ther---Mr. Birkmire and I got into bed immediately.

Q. In looking about the house to see that all was safe, did you examine the doors?

A. Yes.

Q. Were they fast?

A. They were---I went up to the private door of the house myself.

Q. The other door?

A. Yes.

Q. Was that fast?

A. Yes; it never had been opened, that I know of, after Saturday.

Q. How was it fastened?

A. It was bolted top and bottom, locked, and the chain across.

Q. Are you sure, when you went up to bed, that door was so fastened?

A. I am sure of it, for I was the last that was there.

Q. How soon was you called on Monday night, after you had gone to bed?

A. Between twelve and one; I cannot specify the time, I was so frightened---Margaret Harris came and said, "The room is all of a smoke! the house is on fire!"

Q. Was your husband awake or asleep then?

A. Asleep---

A. Asleep---I waked him---I said, "O my God! the house is on fire!"---We got up.

Q. Which way did you attempt to come down stairs?

A. By the stairs to the private door---we could not get down that way, the smoke was so great; we went round to come down by N° 29, that was the warehouse.---Mr. Birkmire carried me down three pair of stairs.

Q. What did you do then?

A. We opened the door, and called out Fire! and the first people that came in were Mr. William Brown and two gentlemen: he asked me, when he came in, Where is the cook?---I said, Sir, you know she left on Saturday---he said, By God, this has been done on purpose.

Q. What did you do with yourself, stay or go away?

A. I went away---my husband attempted to clear the things away, if he could save any thing.

Q. Did your husband meet with any accident?

A. Yes, he got a cut in his leg, and was confined for ten weeks, or upwards.

L

Q. Had

Q. Had your husband any property in this house ?

A. Yes, a good deal of furniture, and a good many cloaths.

Q. What do you believe, speaking fairly upon your oath, to be the worth of the property you had in the house ?

A. I should suppose a hundred pounds or upwards.

Q. Was that insured ?

A. It was not. After the attempt on Friday night, Mr. Birkmire desired me to make out an account of what we had got, and he would insure it.

Q. Was it insured ?

A. It was not.

Q. Was it saved ?

A. It was.

Mr. Serjeant *Le Blanc*.---Your property was saved ?

A. Not my property, that was burnt; the list was saved.

Q. Where were your goods ?

A. In the warehouse.

Q. What did you make the catalogue for ?

A. On purpose to insure, after the alarm on Friday night.

Q. How

Q. How soon, after the fire had really happened, did you see your master?

A. I have never seen him since to speak to him.

Q. Were you at any time afterwards upon the ruins of the fire?

A. Yes, on the Thursday after.

Q. Did you see your master then?

A. Yes, he was in the counting-house with some gentlemen.

Q. Did you hear any conversation pass between him and any body else at that time?

A. Yes, he said he thought it a very extraordinary attempt on the Friday; that he had made a rough copy, which he intended to have put in the paper.

Q. Do you recollect what was the subject of their conversation with Mr. Brown at that time---what had they been saying to him?

A. They thought it very extraordinary, they said, that he had not examined any of the servants on the Saturday night.

Q. And then he said, he had meant to advertise it?

A. He had mentioned it to some friends, and had made a rough copy on the Sunday,

to advertise it in the papers---they said, they thought it an extraordinary circumstance that he should put it in the papers to advertise, when he did not take up his own servants, to examine them first.

Mr. *Garrow*.---Before we hear the opinions of those gentlemen, let us know who they are---it might be Griffin.

ANN BIRKMIRE,

Cross-examined by Mr. Serjeant *Le Blanc*.

Q. On the Friday night you went to bed about ten ?

A. Yes.

Q. Your husband went to bed first ?

A. Yes,

Q. Did Jane Stevens go to bed after you ?

A. We went up stairs together.

Q. As you went up, you had a good deal of conversation ?

A. Not with her, only wishing her a good night ; and she desired I would not make the door.

Q. She desired you would leave the door open ; that she was frightened ?

A. Yes.

Q. She

Q. She desired you to leave your door open; she said she should be afraid?

A. Yes.

Q. Did any thing more pass between you?

A. No.

Q. Were you gone to bed?

A. I was just going into bed when she gave the alarm, I was not in bed.

Q. She first came up to your door, did she?

A. Yes.

Q. What was the first thing you heard her say?

A. "Mrs. Birkmire!---O my God!---
"The villain, my master!---Come down
"into the nursery!"

Q. That was before she came into the room?

A. As I opened the door.

Q. She continued saying this for a good while?

A. She kept saying, "O the rascal, my
"master! O the villain, my master! Is this
"the good kind of man!"

Q. She first alarmed you by it, and kept saying it all the way down stairs?

A. Yes,

A. Yes, and wishing she had left the house.

Q. Before she came into it?

A. Not before she came into it, that was impossible.

Q. She kept repeating that again and again?

A. Yes.

Q. That you have a perfect recollection of?

A. Yes.

Q. As soon as you came down stairs, you went into the nursery?

A. Yes.

Q. Who went in first?

A. We all went in together.

Q. She immediately said, "Look there!" and you directly ran and put the candle out?

A. Yes.

Q. What did you put it out with?

A. By nipping it out with my fingers.

Q. After that, did you continue long in this room and closet?

A. To look to see what things were there.

Q. How long might you continue there?

A. We

A. We might be ten minutes there.

Q. Did you come into it again?

A. In the course of the night we did.

Q. Two or three times, perhaps?

A. Yes.

Q. You went up stairs into your room?

A. Yes.

Q. All three of you?

A. Yes.

Q. Did you all three go to bed?

A. None of us went to bed.

Q. You all three sat up in your room the whole night, and going about the house?

A. Yes, the remainder of the night, after we had been called.

Q. You were never apart, but continued sitting up in the bedchamber, and walking about, the whole of the night?

A. Yes, one or other of us were.

Q. You said, the night before you saw your husband, after he came home from his work, about seven o'clock?

A. I think it was thereabouts.

Q. You know, when Mr. Brown had seen him, he thought him in liquor, and told him so?

A. So my husband told me.

Q. You say that, in fact, he was not in liquor?

A. He was not.

Q. But he told you, Mr. Brown had accused him of being in liquor?

A. Yes.

Q. Mrs. Brown called on the Monday evening?

A. Yes.

Q. You did not see her in the whole of that day?

A. No.

Q. Margaret Harris was to come that night?

A. Yes.

Q. She had told you, if she did not come that night, that you was to send for her?

A. Yes.

Q. And then she told you particularly to take care of the house, and that she trusted to you and your husband, who had lived there some time, rather than the servant who was coming?

A. She gave me the charge particularly.

Q. This was nine o'clock on Monday evening?

A. About nine.

Q. Then

Q. Then she went away immediately?

A. Yes.

Q. How soon after did Margaret Harris come?

A. I suppose it was not ten or twenty minutes after that she came.

Q. How long did you continue up together that night?

A. Till about half past eleven.

Q. All three together?

A. Yes.

Q. Was any other person with you?

A. John Harvey, the porter.---Mr. Birkmire went out after Margaret Harris came; he said he would go out and have a pint of beer, as I had got company along with me.

Q. What time did he go out?

A. About ten o'clock.

Q. How long did he stay out?

A. Not an hour.

Q. He came in at eleven?

A. I don't think it was eleven.

Q. You supped together there?

A. There was a bit of bread and butter Margaret Harris had. I ate nothing.

Q. Of course you drank nothing?

A. There was a pot of beer.

M

Q. Then

Q. Then you went to bed?

A. Yes. Mr. Birkmire was not with us when we had the pot of beer.

Q. He came home after the porter was gone?

A. Yes.

Q. After sitting half an hour, you three went up to bed?

A. Yes.

Q. At that time you are confident all the doors were fast?

A. I am very confident.

Q. When did you and your husband first look to see whether the door was fast, that Monday?

A. Before we went to bed we always looked.

Q. You say, you and your husband looked to see whether the door was fast that night before you went to bed?

A. Yes, I went up to the door myself.

Q. At what time did you examine the door?

A. At half past eleven.

Q. That was the only time?

A. Yes.

Q. At that time you saw all was fast?

A. Yes.

MARGARET

MARGARET HARRIS (Sworn.)

Examined by Mr. Serjeant *Lawrence*.

Q. Did you at any time go into the service of Mr. Brown, of St. Paul's Churchyard?

A. Yes.

Q. When were you first in his service?

A. The 12th of January last.

Q. You had quitted his service, at what time did you return into it?

A. I had quitted his service five weeks before the fire.

Q. When did you return into it?

A. I returned the 13th of July, at nine in the evening.

Q. Who was in the house, besides yourself, on the 13th of July?

A. When first I came, there was the porter there, and Mr. and Mrs. Birkmire.

Q. Did the porter go home, and leave you three there?

A. Yes, he did, at half after ten.

Q. At what time did you and Mr. and Mrs. Birkmire go to bed?

A. To the best of my knowledge, between eleven and twelve---it struck twelve as I laid down.

M 2

Q. Before

Q. Before you went to bed, did you search the house to see if all was safe?

A. Mr. Birkmire searched the warehouse with the porter---the porter went away---then I, and Mr. and Mrs. Birkmire, searched through the private house?

Q. Before you went to bed, did you search in the kitchen, to see if there was any danger there?

A. I did.

Q. Was there any appearance of any fire there?

A. There was not, nor no fire in the grate.

Q. Did you examine every cupboard?

A. I looked into every cupboard but one, in which the spoons were kept. There was a large heap of matches in the cupboard which we kept our things in; I turned them over, there was nothing under them ---I was surprised to see so many matches.

Q. Having satisfied yourself there was no danger of fire in the kitchen, you went up stairs to bed?

A. We went up and searched the nursery, where the attempt had been on the Friday.

Q. You

Q. You were satisfied there was no danger?

A. I was.---Mr. and Mrs. Birkmire slept in the nursery; I did not chuse to lie by myself, I lay in my master's bed, in the room which adjoins the nursery.

Q. How long had you been asleep before you awaked again?

A. I was not asleep at all: I might be in a doze, but not in a sound sleep.

Q. How long was it before you was waked?

A. Not more than half an hour, I think, to the best of my memory.

Q. What was it waked you?

A. I fancied I smelt a smoke; I turned round in bed; I thought it was fancy; I turned round again, and never got out of bed, till I heard the new deals smacking; then I got out of bed.---When you put new deal in the fire it smacks---I heard such a noise---I got up immediately, and called Mr. and Mrs. Birkmire, who were fast asleep in the adjoining room. I tried first to open the door that was in the passage, but in my hurry I could not lift up the night bolt; I had slipped it down, for I never sleep without fastening my door.---

I awaked

I awaked them.---Mr, Birkmire attempted to go down the private house; but his wife followed and catched him back again, upon which, I believe, his foot flipped---she screeched violently when he went down there; she thought he was going in the flames,

Q. You attempted to go down the private stairs?

A. No, I went to the other stairs.

Q. Did you perceive where the fire came from?

A. The smoke was strong up the stairs, and the fire was under us.

Q. What room was under you?

A. The kitchen.---The smoke was stronger on the stairs than in the nursery---and stronger in the nursery than in my master's room.

Q. The nursery is immediately over the kitchen?

A. Yes.

Q. Mr. Birkmire came up, and then got down the warehouse stairs?

A. Yes; the door was shut, and Mrs. Birkmire was behind him, she cried out, and Mr. Birkmire turned round and caught up his wife. I said if they did not follow I would not stay any longer.---Mr. and Mrs. Birkmire

Birkmire unchained the warehouse door--- they could not speak---I cried out Fire.

Q. You had none of you time to save any thing?

A. I had some of my things about my arm, and my under petticoat on; they had nothing but their shirt and shift.

Q. When you went up to bed, you searched the kitchen, and was satisfied there was no danger there?

A. I was satisfied there was not, not that I could see.

MARGARET HARRIS,

Cross-examined by Mr. *Baldwin*.

Q. Where do you live now?

A. At Bridport in Dorsetshire.

Q. Are you of that country?

A. I am not.

Q. How came you to go to Bridport--- how came you to hear of that place?

A. I enquired after it, and a gentleman was kind enough to recommend me there.

Q. Who is that gentleman?

A. Mr. Walker.

Q. Where does he live?

A. N° 1, Labour-in-vain Hill: it is with his brother---I lost a place before on account of this affair.

I

Q. Who

Q. Who applied to you, to come this night to Mr. Brown's ?

A. Mrs. Brown had sent two or three messages for me, and I would not go without going to Cheapside for an order from Mr. Brown's mother.

Q. Of the night you did go, did you see Mrs. Brown that day ?

A. I did not see Mrs. James Brown, but I saw her mother---she told me to be very careful, and to take care of the house---that was the charge my mistress always gave me, whenever she left the house.

Q. You say you went there about nine o'clock---at what time in that evening was it that the porter went out for beer ?

A. It was when we eat a mouthful of bread and butter ; he fetched a pot of beer, and, I believe, drank the best part of it ?

Q. What time might that be ?

A. Between nine and ten, I believe---he went out to fetch bread and butter before we could eat.

Q. That was after nine o'clock when he went out to fetch something to eat ?

A. Yes.

Q. How soon after that did he go to fetch you something to drink ?

A. He

A. He brought all together.

Q. At what time did Mr. Birkmire go out?

A. Directly as I went in, to the best of my knowledge.

Q. How long might he stay?

A. To a quarter or half after ten, I believe:---it was gone ten, to the best of my knowledge.

Q. He staid about an hour?

A. Yes.

Q. When you went up stairs, after you had perceived this fire, you went to Mr. and Mrs. Birkmire's room?

A. I slept close to their room.

Q. You awaked them?

A. They were both fast asleep.

Q. You had some difficulty to awake them?

A. I shook one of them.

Q. Was it Mr. or Mrs. Birkmire, think you?

A. Them that slept next me; I cannot tell which: my fright was so great, I did not look which it was; but she answered me first.

Q. Do you remember Mr. Birkmire falling down stairs, as he went down?

N

A. His

A. His foot slipped ; Mrs. Birkmire caught at him, and desired him not to go that way.

Q. Which way did you go down ?

A. Up stairs, through the garret and the ware-room, and the other way. I did not go down the private stairs at all ; I never put my foot upon them.

Q. At what time did you go up stairs ?

A. I believe we were up stairs before twelve.

Q. How long might it be before you got to bed ?

A. They went to bed before me, because I threw the doors to when I went to undress myself : after I had undressed myself, and said my prayers, I laid down, which might be a quarter of an hour, or more.

Q. Did you hear the clock strike twelve ?

A. I did, before I went to bed.

Q. Had you ever known Mr. Walker before this fire happened ?

A. I had not.

Q. Has Mr. Walker any thing to do with the Phoenix Office ?

A. I believe so. I know nothing about it.

Q. From the Jury.---Whether Mr. Birkmire is a man accustomed to get drunk?

A. I cannot say whether he was or no; but he was sober on the Friday night.

Mr. Baldwin.---You was not there on Friday night?

A. Yes, I called on Friday night.

Court.---What time had you been in the house on Friday night?

A. A little after nine o'clock.---Mrs. Birkmire was at the door, and said she was very ill.

Mr. Baldwin.---How long did you stay there?

A. About half an hour.

Q. You saw Mrs. Birkmire at the door, and Mr. Birkmire?

A. Yes.

Q. She said she was not well, and invited you to come in?

A. Yes, I went in, and staid from a quarter to half an hour.---I was at home, and in bed, before ten.---I met Mr. Brown between Watling Street and his own house, as I went by.

Q. Mr. Brown was gone from his own house, as you went there on the Friday?

A. Yes, I met him.

Q. Did you see Jane Stevens on the Friday?

A. I did.

Court.---When was you engaged to go to Mr. Brown's?

A. Either on the Tuesday or Wednesday before the Friday---to go back, till my mistress got a servant, or I got a place.

Court.---You had been engaged to go there upon Jane Stevens's going away?

A. Yes.

EDWARD DOWDING (Sworn.)

Examined by Mr. Serjeant Cockle.

Q. You lived footman with Mr. Brown?

A. Yes.

Q. Was you his servant upon the 11th of July.

A. I was.

Q. Do you remember coming to town with your master and mistress on Saturday morning, the day after it had been discovered that some combustibles had been laid in the house?

A. I did.

Q. How did your master and mistress come from home?

A. They

A. They came from Holloway Down in their own chariot?

Q. Did the chariot stop before it reached St. Paul's Church Yard?

A. Yes, at Richardson's and Goodluck's lottery-office, the corner of Cornhill.---I opened the door, and let Mr. James Brown out of the chariot.

Q. Do you know what became of him?

A. I do not. I put up the steps, and shut the door.

Q. Was the chariot going any where else, or immediately to St. Paul's Church Yard?

A. It had no where else to go but to St. Paul's Church Yard.

Q. How long was it, after you got to St. Paul's Church Yard, that you saw your master?

A. About five minutes, or rather better.

Q. Where did he come from?

A. Out of the nursery, or out of his own room, I cannot tell which.

Q. So that your master got to St. Paul's Church Yard before you?

A. Yes.

Q. Had you made any stoppage in the way?

A. No

A. No stoppage but what is incident to all carriages that pass that way.

Q. Did your master say any thing to you?

A. Yes; he said, "Edward, will you go up stairs, and see if you know any thing of this."

Q. Was that his expression?

A. Yes.---I went up.

Q. You saw these papers, matches, and combustibles, that we have heard of?

A. I did.

Q. After you had seen them, did you see your master again?

A. I saw him again at a quarter before three.

Q. Did he ask you any questions?

A. Not any.

Q. Not what account you could give of this?---Did he say nothing at all?

A. He did not.

Q. He did not enquire whether you had made any observations?

A. No, he never mentioned the circumstance at all.

Q. Do you remember where your master slept on the Monday night following?

A. I

A. I cannot positively say that he slept at all that night.

Q. Did he come home?

A. I am informed he came home.

Q. Did you see your master at Holloway Down on Monday night?

A. I did not.

Q. Did you hear him?

A. I did not hear him till about three o'clock on Tuesday morning.

Q. Was it your master's custom to sleep at Holloway Down on Monday nights?

A. It was not.

Q. Was it his custom to sleep at home on Monday nights?

A. It was.

Q. How long had you lived with him?

A. Between six and seven months in the whole.

Q. And, during those six or seven months, am I to understand that it was his custom always to sleep at St. Paul's Church Yard on Monday nights?

A. It was.

Q. Had you any reason to imagine that he would sleep at Holloway Down that Monday night?

A. I

A. I had heard the servants say, that he would sleep there.

Q. Did Mr. Brown direct you to carry any message to Mr. Willett's?

A. Mrs. Brown did.

Q. Did you carry a message, no matter from whom, to Mr. Willett?

A. I did.

Mr. Garrow.---I object to that question. ---The witness has said, that whatever message he carried, he carried it by direction of a person whose act cannot bind us.

Mr. Serjeant Cockle.---I will bring it home.---What was the message?

A. "Mr. and Mrs. Brown's compliments
" to Mr. and Mrs. Willett, and will do
" themselves the pleasure of waiting upon
" them at Richmond, on Tuesday or Wednesday next, which will be most convenient."---Mr. Willett delivered the message back;---"Mr. Willett's compliments
" to Mr. and Mrs. Brown, and shall be
" very happy of their company on Tuesday
" next."

Q. Was that message carried to Mrs. Brown?

A. Yes, I delivered it to Mrs. Brown.

Q. Was

Q. Was Mr. Brown there?

A. He was not.

Q. Do you know that Mr. Brown was acquainted with it, from any thing you have heard from Mr. Brown since?

A. I imagined that Mrs. Brown would deliver the message to him.---Mr. and Mrs. Brown have paid the visit since.

Q. What time did you see your master on Tuesday morning?

A. I believe it was about a quarter or ten minutes before three o'clock.

Q. Where did you see him?

A. Up in the room by my bed-room, at Holloway Down?

EDWARD DOWDING,

Cross-examined by Mr. *Garrow*.

Q. Where did you see him at three in the morning?

A. At his own house at Holloway Down.

Q. Do you think that is an answer to the question, Where you saw him on that morning?---Did you see him in the cellar?

A. I did not---in the room adjoining to my bed-room.

Q. Full dressed?

O

A. He

A. He was not.

Q. Was he naked?

A. He was not.

Q. Had he any thing on but his shirt?

A. I cannot positively say.

Q. Did not he come to call you up, upon his brother's coming in a coach to the door?

A. He did.

Q. Would not any body have believed, from your answer, that he had been standing there as if he had just come home?

A. I was just awaked out of my sleep--- I cannot positively say.

Q. Your master came there to call you, after his door-bell had been rung by his brother?

A. The door-bell was not rung by his brother.

Q. Who was it rung by? the coachman?

A. Yes.

Q. You cannot please me better than by all this---this does not disappoint me, because I have seen some people before upon this cause.

A. Nor me neither.

Q. So your master came to call you up?

A. He

A. He did.

Q. What directions did he give you?

A. He said, there was a coach at the gate, and ordered me to go down stairs, and see what was wanted.

Q. Who was in that coach?

A. I saw Mr. William Brown, and another person.

Q. It should seem to me, that my learned friends, on the other side, are very kind to Mr. Brown's servants---Peggy has got a place?

A. I have not.

Q. But my learned friend has proved you quite a visiting card,---You will get a good place by and by.

A. I hope I shall.

Q. So your master desired you to go up and look at it, and see if you knew any thing about it?

A. He did.

Q. He never after called you to any council, to take your advice or opinion about it?

A. He did not.

Q. So your master got out of the carriage at the Exchange, or thereabouts, that day?

A. At the corner of Cornhill.

Q. That surprized you very much---an odd circumstance, was not it?

A. Not odd at all.

Q. Did not he, upon your oath, most times, when he came to London, get out there---and, remember, the coachman is here?

A. He did, very often.

Q. We shall see what these points will turn out to be presently, which have been cooked up in a corner.---Now do you mean to swear, as it has been taken, that your master universally, without exception, slept in London upon a Monday night?

A. I will positively.

Q. That he never, upon a Monday night, while you was in his service, slept in the country?

A. I won't say Never.

Court.---Did he understand what you meant, when you said *universally*?

Mr. Garrow.---I am a much plainer man than I thought you was, from the beginning of your evidence.---I will speak as plainly as I can.---You understand the meaning of the word *always*?

A. Yes.

Q. Do

Q. Do you mean to say your master always, upon every Monday night that you was in his service, slept at his house in London?

A. I cannot say to every one.

Q. Do you mean to swear that he never, upon any Monday night, slept at his country house?

A. I cannot say that he did.

Q. Did he sleep at the house at which his wife happened to be---did he sleep with his wife?

A. If he came home he did.

Mr. Serjeant *Cockle*.---Was it Mr. Brown's common habit to come home upon a Monday night?

A. It was not.

Q. Did Mrs. Brown generally sleep, on Monday nights, in town, or at Holloway Down?

A. She slept generally, both on Mondays and Thursday nights, at the town house.

THOMAS TURNER (Sworn,)

Examined by Mr. *Shepherd*.

Q. I believe you live in Carter Lane, in the neighbourhood of St. Paul's Church Yard?

A. Yes.

A. Yes.

Q. You keep a house and shop there?

A. Yes.

Q. Do you remember being alarmed by any cry of fire, on Monday the 13th of July?

A. I do---about a quarter after twelve I went to bed: I had not been abed long---I was in a doze---I heard a voice or two in the court (Black Swan passage) say there was a fire---I got up, I went into the court, where there were two men standing---I asked them where the fire was.

Q. Did you happen to know those two persons?

A. No---they said the fire was at Mr. Brown's, in St. Paul's Church Yard---I went to the house directly.

Q. Which side did you go to first?

A. The private door, the west side.

Q. Did you see any persons standing about in St. Paul's Church Yard?

A. There might be one or two---I looked into the door at the fire---the door was thrown quite back---I saw from the door that the flames had caught the staircase.

Q. Had they made such a progress as to have prevented all communication that way into the house?

A. I am

A. I am certain nobody could have come down that staircase---the door was quite thrown back.

Q. Did you see the warehouse door?

A. I did not particularly look at that.

Q. Did you see any people come out of the warehouse?

A. No, I did not see the door open; if the door had been open, there would have been a reflection from the fire into the street, the same as there was from the private door.---I went immediately to Mr. Elliott's, the china-shop next door, and alarmed them: I saw a light coming down, and then I came back to Mr. Brown's.

Q. Did you see the servants come out of Mr. Brown's house?

A. I did not see a soul come out.

Q. When you came back from Mr. Elliott's, did you see any people about the door?

A. There might be one or two, but who they were I did not know. One said it was a fire, the other said it was not: one said, Damn you, it is a fire; the other said it was not---these were the two men in the court who said that.

Q. Did

Q. Did you observe whether the fire burnt from up stairs or downwards?

A. It seemed to ascend, it was getting up stairs---I saw no fire above the passage and staircase.

THOMAS TURNER,

Cross-examined by Mr. Serjeant *Adair*.

Q. Can you form any near judgment about what time it was?

A. I went to bed a quarter past twelve--- I fell into a doze, and I heard these people talking.

Q. It was at least half past twelve?

A. Or a little better, for what I know, I cannot fix the time exactly.

Q. The door was wide open when you saw it?

A. Quite wide open.

Q. You saw then the fire upon the staircase?

A. Upon the passage and the staircase.

Q. The fire seemed to you to ascend from the farther end of the passage upwards?

A. Yes.

Q. And you saw no fire higher than the landing of that staircase?

A. I could not see the landing of that staircase;

staircase; the flames reached from the flooring to the ceiling of the passage, and part of the staircase; I could not see higher than that.

Q. You went round, I think you say, to the back part?

A. I went first to Mr. Elliott's front door, which is next door to it; then I went to the back part.

Q. What did you see at the back part?

A. I knocked at the door, and saw something of a light coming down stairs at Mr. Elliott's. I then left that door, and then ran round to Mr. Elliott's again: I supposed it was Mr. Elliott coming down stairs.

Q. Did you see any body in the court at that time?

A. I don't remember seeing a person there.

Q. Is there not a public-house just opposite the back of Mr. Elliott's house?

A. Yes, the King's Head.

Q. Was that public-house open, or shut up?

A. It was not open, as I recollect.

Q. Is it a late house, or one usually shut up early?

P

A. I

A. I don't know; I was never in the house but once in my life; it is some distance from me.

Mr. *Shepherd*.---King's Head Court is not the place where you heard this conversation between the two men?

A. No, Black Swan Passage.

— ELLIOTT (Sworn.)

Examined by Mr. Serjeant *Lawrence*.

Q. You, I believe, live in St. Paul's Church Yard, next door to the plaintiff, Mr. Brown's?

A. I do.

Q. You keep a china-shop there?

A. I do.

Q. Is there belonging to your house, and behind Mr. Brown's house, any area?

A. Yes---there is a little bit of a ware-room, a kind of a shed, behind Mr. Brown's dwelling-house.

Q. Does that come close up to Mr. Brown's dwelling-house?

A. It does, within three or four foot of his dwelling-house, I believe.

Q. What windows of his dwelling-house are there that open into that area?

A. I

A. I fancy, his shop-window, as well as his kitchen-window, opens into it.

Q. Is that upon the ground floor?

A. It is.

Q. Into this small area, then, that part of the house looks, and there is a window upon the ground floor of the shop opening into that area?

A. There is.

Q. The area belongs to you; Mr. Brown had no door into that area?

A. No.

Q. You have a door into it?

A. Yes.

Q. There is a small shed in the yard, belonging to you?

A. Yes.

Q. Does any part of that abutt upon the Court called King's Head Court?

A. Yes.

Q. What height is the top of that small room from the pavement of the Court?

A. I cannot tell; I never measured it.

Q. Do you know whether Mr. Brown, at any time, has made any observation respecting that court, and this house of yours?

A. Mr. Brown, some time back, (it may be two or three years ago, I cannot take upon me to say) and I, were talking upon the business of having a kind of railing, or something put up, for fear any body should get over there into the area; he wished a thing of the kind might be put up to prevent them, because of his being so much in the country, and his dwelling-house left so much without any body, only one servant, or a shopman, or some such thing---he wished this place might be made secure.

Q. Over which people might easily get into the area?

A. It is not so easy.

Q. It did occur to Mr. Brown, some three years ago, that this house was not safe, because people might get in that way?

A. It did.

Q. And he proposed there should be some railing fixed there?

A. He did.

Q. Upon the morning after the fire, did you observe any steps in the area, that we have been speaking of, behind Mr. Brown's house?

A. I don't know that I did: there were
x a pair

a pair of steps stood; somebody applied to me, to know if they were mine, I think.

Q. When did you see them?

A. It might be a day or two after.

Q. Where did you see them?

A. In the little passage that parted Mr. Brown's house and mine, of about three or four foot, as I said before.

Q. Against what were they leaning?

A. Against Mr. Brown's window, if I recollect right.

Q. Are you accurate as to the time, how long after the fire they were there?

A. I don't know that I ever saw them there, till the inhabitants themselves met in Mr. Brown's room; for a rumour had gone abroad that this house had not been burnt by accident, but set on fire.

Q. You did not see them till that time?

A. No.

Q. Can you recollect how long after the fire that was?

A. I cannot---there is a paper on which it is set down.

Q. Were those steps, in point of fact, yours?

A. They were not.

— ELLIOTT,

— ELLIOTT,

Cross-examined by Mr. Serjeant *Bond*.

Q. I am glad to see you here, because you are an honest and respectable man?

A. I will speak what is right.

Q. I believe you have lived many years next door to Mr. Brown and his father?

A. Yes.

Q. You have known him for many years?

A. Yes.

Q. He was born in the house, and succeeded his father?

A. I have heard so.

Q. What sort of man is he?

A. A man that always bore a good character---we never had any ill-will or enmity ---we never had a word.

Q. He is a person who bears a good character?

A. Yes; and if his bill had been presented to me, I should have thought I had done well, if I had had money by me, to have discounted his bill for three or four hundred pounds.

Q. Have you any idea of those steps being put there by him?

A. You

A. You ask such a question as I cannot answer.

Q. I believe Mr. Brown attended this enquiry?

A. He did.

Q. Did he not do every thing in his power to assist in investigating the matter?

A. Mr. Brown was there: I put this question to him:---“ Mr. Brown, what do “ you think of this affair; do you think “ the house has not been wilfully set on “ fire?”---“ I do,” says Mr. Brown.

Mr. Serjeant *Lawrence*.---Is what Mr. Brown says, evidence for him?

Mr. Serjeant *Bond*.---When had you this conversation with Mr. Brown about the railing?

Court.---There is nothing about the steps that bears upon the case at all.

WILLIAM HAWKINS (Sworn.)

Examined by Mr. Serjeant *Cockle*.

Q. Do you remember the fire at Mr. Brown's?

A. Yes.

Q. At what time did you see it?

A. At one o'clock on the 14th of July.

Q. In

Q. In what state was it at that time?

A. Very light in the air---it might be seen ten miles off, I dare say.

Q. Where did you first see it?

A. At Horselydown.

Q. How far is that?

A. A mile and a quarter.

Q. Did you go to St. Paul's Church Yard?

A. Yes, as fast as I could get there.

Q. What particular observation did you make, as to the state of the fire?

A. The dwelling-house was then almost down; the lower flooring but one was falling when I got there.

Q. Did you make any other observation?

A. No farther than lending a hand to get the goods out as fast as I could.

Q. Did you see the area?

A. Yes, the next day morning.

Q. Did you observe any thing there?

A. Yes, I saw a step-ladder there.

Q. What height was it?

A. I believe there were five steps in it?

Q. How was it placed?

A. Against the wall, the top of it against Mr. Brown's house.

Q. What

Q. What was it near to?

A. To the kitchen window.

Q. Did you observe any thing in the kitchen window?

A. No, it was burnt.

Q. You mean the warehouse window--- Did you observe any thing of the glass, or the sash?

A. I saw a sash there, that the lines seemed to be cut.

Q. You remarked that at that time?

A. I did.

Mr. *Baldwin*.---That was the day after the fire?

A. It was the 15th.

WILLIAM HAWKINS,

Cross-examined by Mr. Serjeant *Adair*.

Q. When was it that you saw these steps?

A. The 15th day of the month.

Q. You think they were leaning to the ruins of Mr. Brown's house?

A. They were in the area, leaning to the house, to the best of my knowledge.

Q. Was the house in such a state that you could judge of the window.---I think

Q

you

you say the window appeared to have been cut?

A. The window line appeared to have been cut.

Q. Were the steps in such a situation, when you saw them, that a person might have got into that window by means of those steps?

A. I think they might.

Q. A person, then, upon these steps, the window line being cut, would have had no difficulty of getting into that window?

A. I might have got into the window I saw in the lower part of the house without those steps.

Q. The steps would have rendered it perfectly easy to get into the lower part?

A. Yes, or the window above.

Q. Of which of the windows was it that the line was cut?

A. It appeared to me to be the lower window.

Q. Then, if any person had got over there, there was no difficulty in getting in at that lower window?

A. None at all.

Q. The

Q. The steps appeared to have been the means by which some person had probably got there?

A. Yes?

Q. You have been accustomed to these things, as a fireman---From the observations you made on that, at the time, did that appear to you to be the probable way in which any body might have got into the house?

A. I think any body might have got easily into the house over that area.

Q. Then, from your observations taken at the time, joined with your own experience, did that appear the probable way they got in at the house?

A. I should think any body might have got there---I think I could have got over myself without those steps.

Mr. Serjeant *Cockle*.---Would those steps enable the person to go down into the area with greater ease?

A. Yes, they might have got there easier with those steps than without them.

Mr. Serjeant *Adair*.---It would render it more easy to get over the shed too?

A. Yes, out of King's Head Alley.

Q. So that, upon the whole, with the assistance

assistance of these steps, your opinion is, that there would be no great difficulty in getting over there?

A. Not the least in the world---I could have got over there without them.

Jury.---Whether it was not as probable that those steps were put there with a view to help somebody out of the house when the fire was?

A. There was too much fire there for any body to be got out.

One of the Jury.---Mr. Hawkins says, that the passage where these steps were found, the day after the fire, was a passage that led through into the street of St. Paul's Church Yard, not above three or four feet wide---in the confusion of the fire people might have run through this narrow passage.

Mr. Serjeant *Lawrence.*---It is a mere private area, that nobody had any business in but Mr. Elliott.

JOHN LEVINS (Sworn.)

Examined by Mr. *Shepherd.*

Q. You are a watch-maker?

A. Yes.

Q. Do you remember the fire happening

ing in St. Paul's Church Yard, at Mr. Brown's.

A. I do---I was standing in the street talking to a neighbour of mine. I suppose about forty minutes after twelve o'clock, a man called out, "Fire!" I said, "Where?" he said, "in St. Paul's Church Yard." I live in Shoemaker Row, Black Friars, within a furlong of where the fire happened.---I went into St. Paul's Church Yard.

Q. Did you look into Mr. Brown's house?

A. I went in.

Q. Did you observe, from the appearance of the fire, where it had begun?

A. Apparently to me, it began somewhere up stairs; for I went into the room on the right hand side on the ground floor, the fire was then falling down from some upper part of the house.

Q. So it appeared to you to have begun somewhere above the ground floor?

A. It certainly did.

Q. The under part of the house was not on fire at that time?

A. Not that part.

JOHN

JOHN LEVINS,

Cross-examined by Mr. Serjeant *Le Blanc*.

Q. Are you speaking of the shop, or warehouse?

A. Yes, I suppose that is called the warehouse; I went in at the great door.

Mr. *Shepherd*.---You turned to the room on the right hand when you went in?

A. Yes.

Q. There is nothing but warehouse on the ground floor, except the passage to the private house?

A. I have not remarked that, but I believe so.

Mr. Serjeant *Le Blanc*.---You came from the west?

A. I came through Black Swan Passage.

Mr. *Shepherd*.---Though you came from the west, yet did you go in at the private door, or the warehouse-door?

A. I went in at the warehouse-door; I saw the private door afterwards, but I don't think it was open then---I am not sure, I cannot recollect whether it was open or not.

Mr. Serjeant *Adair*.---You was going to look for the fire?

A. Yes.

A. Yes.

Q. Then would not you have looked in the first door you saw open?

A. Possibly I might, but I saw that door open, and in I went with my friend, Mr. Spurrier.

JOHN HOPPE, (Sworn.)

Examined by Mr. *Russell*.

Q. I believe you was, in July last, churchwarden of the parish in which Mr. Brown's house stood?

A. Yes.

Q. Did you, at any time, attend before the magistrate, upon an examination into this business?

A. I did.

Q. How came you to attend there?

A. There was a requisition made to me.

Mr. *Baldwin*.---Was that in writing?

A. It was.

Mr. *Baldwin*.---Then say no more about it.

Mr. *Russell*.---We have it here. At the request of the inhabitants you attended before the magistrate?

A. The requisition was made in Mr. Brown's house, and in his presence.

Q. When?

A. I think it was on the Thursday after the fire. The neighbours were assembled together, I suppose to the amount of eight, ten, or a dozen of us, in the house, and we thought it very necessary---the gentlemen did ---

Mr. *Baldwin*.---Tell us what you did, not what you thought.

Mr. *Russell*.---Did you express those sentiments before Mr. Brown?

A. Certainly we did.

Mr. *Russell*.---Then you may tell it.

A. Every thing was done in the presence of Mr. Brown, that I was going to relate. The gentlemen thought it was proper that there should be an enquiry made how the fire happened, as Mr. Brown himself declared, at that time, that he believed it to have been wilfully set on fire. The requisition was made to me: Mr. Brown had that paper in his hand, before ever it was signed by any one of the inhabitants. I asked him whether he approved of that: he immediately said, he did; and I know he would have signed that paper, had he been asked.

Q. Did you, in consequence of it, attend before the magistrate?

A. I

A. I did.

Q. What did Mr. Brown say there?

Mr. Serjeant *Adair*.---Was the examination taken down in writing?

A. I believe it was not, the first time.

Mr. *Russell*.---What account did Mr. Brown give of himself, of the Monday night (when the fire happened) before the magistrate?

A. I never thought to be called in question, and did not take a minute account of it.

Q. Where did he say he had been that night?

A. That he had been up at Highgate, to the best of my recollection. He said, that he came from Highgate, in company with two gentlemen, to Islington.

Q. Did he say at what time he left Islington?

A. I am entirely at a loss for that; I cannot recollect it.

Q. Did he describe by what route he went home?

A. Yes, he said he was set down at Islington; from thence he proceeded down the City Road; to the best of my recollection, from thence to Cripplegate.

R.

Q. What

Q. What distance is Cripplegate from St. Paul's Church Yard?

A. About five minutes walk.

Q. I believe, in a direct line, it is not more than three hundred yards?

A. I suppose six hundred yards.---That he went along London Wall, down Houndsditch, then along Whitechapel, to Holloway Down.

Q. Did he mention the time at which he was at any one place in this route?

A. I think I can recollect that he said he got home at two o'clock, or thereabouts: I think he said, he looked up at the dial.

Jury.---He walked?

A. Yes.

Q. Did he say who let him in?

A. The coachman.

Q. And you don't recollect any period of time, at which he was at any of the intervening places between Islington and home?

A. I think he said, on the second day,——

Q. On the *first* day?

A. I cannot pretend to say the time he mentioned, only from one circumstance---that afterwards a reply was made by one of the gentlemen, "Why, Sir, if you was coming
" ing

“ ing down the City Road at that time, you
“ must see the fire.”

Q. What answer did he make to that?

A. I don't recollect.

Q. Did he say that he did, or did not,
see the fire?

A. That he did not see it.

Q. Did he give any reason why he could
not see it?

A. I think he said his back was towards
it.

Mr. *Baldwin*.---Mr. Brown met you and
the rest of the neighbours: he thought as
you did; he approved of the requisition;
and you think, if you had asked him, he
would have signed it?

A. Certainly.

Mr. Alderman SWAIN (Sworn.)

Examined by Mr. Serjeant *Lawrence*.

Q. I believe Mr. Brown attended you
upon this examination?

A. He did.

Q. Do you recollect at what time he
stated himself to have left Islington?

A. I cannot precisely recollect, and for
this reason; I had taken the minutes, and

had them in such a way, that I could have answered very accurately ; but, supposing the business had subsided, I destroyed those minutes.---I have enquired of Mr. Hooper, who took minutes also ; and I understand he is in possession of some of the minutes which he took :---and also Mr. Whittle :---but I would not, upon any account whatever, this trial being of so serious a nature, look over, or enquire any thing particular into it.

Mr. *Garrow*.---I would just trouble you with one question, which I take the liberty of doing, because I was present, I believe, upon the examination.---You were assisted by several other magistrates of the city upon the last examination ? Alderman Anderson was present ?

A. Most undoubtedly I was.---The first examination came entirely before me, in consequence of a requisition, and that examination was a very long one : there were a number of witnesses, and, from the complexion of that first examination, I own there appeared something so very doubtful to me, and it being a matter of so much magnitude, that I determined not immediately to resolve : but my mind, in that first
stage

stage of the business, rather militated against Mr. Brown.

Q. You have stated, that after a very laborious and careful examination once, the subject was brought before you again, with the assistance of several other very respectable magistrates?

A. Most undoubtedly.

Q. Upon that occasion the former examinations were deliberately read over---I believe you concurred with the other magistrates in discharging Mr. Brown, and congratulated him in the result of the enquiry?

A. I was happy in not presiding on the last occasion---knowing it was a matter of so much importance, I rather gave it up, or I could have resumed my right, and took the chair.---In that latter part of the business, counsel came forward---in the two preceding examinations, there was no counsel---the consequence of which was, that I wanted the business to begin to be stated to these two gentlemen, in the same way as it originated to me.

Q. You are giving yourself more trouble than is necessary---I have no objection to it, if any body else wishes it;---but, in the
result

result of the enquiry, I will only ask you, whether you concurred with the rest of the magistrates in discharging Mr. Brown?

A. I must say, and was happy to say, that when Birkmire was indisposed, and, from his zeal and activity in clearing away these effects, I understood had met with a misfortune——

Q. That we understand?

A. Let me explain in my way.

Mr. Serjeant *Lawrence*.---He was discharged?

A. He was; but we did not go over the proceedings; and I must say, from the last hearing, that things took as different a turn, as it was possible that any two things could take.

Mr. Serjeant *Lawrence*.---I believe that Mr. Brown was attended by some able and very powerful counsel upon those last examinations?

A. He was.

Mr. *Garrow*.---That I can prove he was not.

Mr. Serjeant *Lawrence*.---The Alderman swears he was; it is false modesty in you to say the contrary.---The latter Aldermen formed their opinion upon hearing what
4 passed

passed on the last day, without knowing what passed on the first.

Mr. *Garrow*.---I have the short-hand writer's notes, in which there is an account, that the notes of the first examination were read.

A. I am happy to see now that the matter is discussed now in such a way as I heard it.---The evidence seems to be verbatim, as near as it can possibly be; and I am sure it can never come to a fairer tribunal than this.

Mr. Serjeant *Lawrence*.---Was there any counsel for the office?

A. I declare I don't know that there was.

Mr. *Garrow*.---There was a very active counsel; but there was no gentleman at the bar certainly.

BENJAMIN SPURRIER (Sworn.)

Examined by Mr. Serjeant *Lawrence*.

Q. Were you at the examination before the Alderman?

A. I was not.

Mr. Serjeant *Lawrence*.---Then I will not trouble you.

— MORRIS

— MORRIS (Sworn.)

Examined by Mr. Serjeant *Cockle*.

Q. I understand you was present at the examination before Mr. Swain?

A. I was.

Q. Do you remember whether Mr. Brown gave any account of his time on the Monday?

Mr. *Baldwin*.---Mr. Hooper has minutes.

Mr. Serjeant *Lawrence*.---They are private minutes.

Court.---The first witness said the examination was not taken down in writing. I rather understood, from Alderman Swain, that minutes of the examination were taken; whether they were taken down as what Mr. Brown said, or only private memorandums made for his own satisfaction, by the Alderman himself, he will be so good as to explain.

Mr. Alderman *Swain*.---Private memorandums I made for my own satisfaction, to judge whether the suspicions were well founded or not.

Mr. Serjeant *Adair*.---Mr. Hooper was the regular clerk, was not he?

A. He was.

Q. Did he take the examination?

A. I believe

A. I believe he did.

Mr. Serjeant *Adair* to Mr. *Elliott*.---Was any part of your house damaged by this fire?

A. Considerably.

Mr. HOOPER (Sworn.)

Examined by Mr. Serjeant *Cockle*:

Q. You was the Clerk, I understand, who attended Mr. Swain---What have you in your hand?

A. The minutes I took at the time.

Q. Which day?

A. Here are the minutes of both days.

Q. Was you there the first day?

A. Yes.

Q. Does that book contain any minutes taken upon the first day?

A. As much as I took I have here.

Mr. Serjeant *Adair*.---You, as clerk to the fitting Alderman, took as much as appeared to you to be material?

A. Yes.

Mr. Serjeant *Cockle*.---Was you there all the time of the first day?

A. At the first part of it I was not.

Q. Was you there at the time Mr.

S

Brown

Brown spoke of the hour he left Islington?

A. I believe I was?

Q. Have you any minute upon that subject on the first day?

A. It was the 16th.

Q. See whether he gave any account of the time he left Islington, on the Monday night?

A. " Mr. Brown quitted his house on
" Monday, half past two in the afternoon;
" went to Highgate, and dined, and returned
" to Islington, and from thence to Stratford.---The fire began about twelve or one
" on Monday night.---He was at the Bowling-green House, Highgate; the gentlemen, who met usually there on Monday,
" were present. He came back with Mr.
" Hole, junior, and Mr. Lightfoot, a merchant; about twelve at night he was at
" Islington, or more---it was half past one
" when he got home---That, he thinks,
" the footman let him in."

Q. Did he describe which way he went home?

A. " The City Road, London Wall,
" Houndsditch---saw nothing of the fire."

Mr. *Baldwin*. Do you find *Cripplegate* there?

A. No.

Mr. *Garrow*.---Their witnesses have mistaken *Moorgate* for *Cripplegate*.

— LIGHTFOOT (Sworn.)

Examined by Mr. *Shepherd*.

Q. I believe you belong to the same club, at *Highgate*, that Mr. *Brown* belonged to?

A. I do not.

Q. You was there on that Monday?

A. I was.

Q. Where did you come to, from *Highgate*?

A. To *Islington*; I live there; I came in a coach.

Q. Who came with you?

A. Mr. *Hole*, and Mr. *Brown*.

Q. What time did you get to *Islington*?

A. As near as I can recollect, about a quarter past eleven; I think I remember taking out my watch, as soon as I got into my own house, and found it a quarter after eleven.

Q. What part of *Islington* do you live in?

A. The Terrace.

Q. Near the Church?

S 2

A. About

A. About a hundred yards from the Church---Mr. Brown got out of the coach, and I discharged it.

Q. Did you know Mr. Brown before?

A. I have bought, once or twice, of him trifling things, but never have been in habits of intimacy with him.

Q. Did you learn from him where he was going to?

A. I think he said he was going home to Holloway Down.

— LIGHTFOOT,

Cross-examined by Mr. Serjeant *Adair*.

Q. As near as you can at present recollect, it was about a quarter after eleven?

A. Yes.

Q. I believe, when you was first questioned upon this subject, you thought it was rather later, and have corrected your recollection since?

A. Yes.

Q. What was the difference in your memory?

A. It was about the half hour, but I am sure now it was not so much.

Jury.---He walked from thence?

A. Yes---it was a glass coach I had hired,
and

and he walked from thence---it rained very hard, and Mr. Brown had a horse at Highgate; on that account I desired him to leave his horse behind, and offered him a seat in the glass coach, which he accepted.

Q. He got into the coach upon your invitation?

A. He did.

Q. When you set him down the rain was over?

A. The rain was over; he said the rain was over and he would walk.

Q. Possibly you may know a fact that will be easily ascertained---Do you know the distance of Holloway Down?

A. I do not.

---HOLE (Sworn.)

Mr. Serjeant *Lawrence*.---He can only speak to the same thing, we won't take up time in examining him.

Mr. Serjeant *Adair*.---Do you happen to know the distance of Holloway Down?

A. I do not.

Mr. Serjeant *Adair*.---Do you know the time when Mr. Brown left you at Islington, upon the 13th of July?

A. A quarter after eleven.

Mr. Bald-

Mr. *Baldwin*.---Where did he say he was going to?

A. He did not say any thing at all.

JOHN CARVICK (Sworn.)

Examined by Mr. Serjeant *Lawrence*:

Q. Are you acquainted with the plaintiff, Mr. James Brown?

A. I am, I know him very well.

Q. Do you know whether he was under any engagements, respecting the Stocks, in the beginning of the month of July last---whether he had made any contract respecting the Stocks?

A. The beginning of July?

Mr. Serjeant *Adair*.---Brother Lawrence, you will form your own opinion upon the offering that evidence, but I have no objection to it?

A. The beginning of July, there was a bargain that Mr. Brown had---the books being shut, all business is legal to transact, and is deemed so till the opening of them; Mr. Brown had a bargain then depending for the opening in the three per cents.

Q. When was the settling day, as you call it?

A. A particular day I don't recollect, but it is about the 24th or 26th of July generally.

rally. I cannot speak particularly to the day now, but the opening is generally the 21st or the 22d, and from that to the 26th.

Q. The 26th is the settling day?

A. From the 21st to the 26th, I am clear it was.

Q. The sum to be paid is decided by the opening day?

A. Yes.

Q. Can you tell me whether the stocks, about the 10th of July, the 13th, and so on, were rising, or not?

A. I have made a little memorandum of the time, expecting such a question would be asked, and the account I have of the advance is subsequent to that time.

Q. Were they not advancing at that time?

A. The 10th of July they had not advanced more than half or three-quarters per cent.

Q. How much had they advanced upon the 13th of July?

A. They were advanced to $75\frac{1}{4}$, without the dividend; that was about one and a half per cent.

Q. Can you tell me what difference that would have made to Mr. Brown upon the settling day?

A. I

A. I had an account of £. 3000, which was done after shutting the books, and was a legal transaction.

Q. Whether you know of any stock-jobbing contracts of Mr. Brown, and what was the result of them?

A. I know of none of Mr. Brown's transactions, but what I was concerned with myself; I had that one transaction, which was done after shutting the books, for the opening.

Mr. *Baldwin*.---The difference of that would be 35 or 40 pounds, at the most?

A. Bargains done prior to the shutting of the books, are deemed gambling.

Q. Then all that you know is these £. 3000?

A. I am speaking of what I did for him, after shutting the books. Those are matters that would tend to criminate the actor, and therefore I must beg leave to decline answering.

Court.---Am I to understand you, that that bargain of £. 3000, which, as you state, was perfectly a legal bargain, was with Mr. Brown?

A. A transaction that I did as broker for Mr. Brown.

Court.

Court.---The gain or loss upon that could not have been above, how much?

A. The loss was owing to the rise of stock, which, I assure you, took place subsequent to the fire. I don't mean to say it did not rise prior, but the great rise was subsequent to the fire.

Mr. Serjeant *Lawrence.*---I don't ask you whether you were the actor, but I ask you, generally, whether you don't know of other Alley transactions of Mr. Brown?

A. I have heard of things that I am not justified in speaking to for want of knowing the facts.

Q. I don't ask you what you have heard?

A. I know of nothing of Mr. Brown's transactions with other people, but what I have done myself.

Court.---Legal, or illegal, the transactions of that period, (to wit,) the first three weeks of the month of July, could not be attended with considerable loss or gain?

A. I have my account here from the 14th of May to the 13th of July, which is two months, and I make it in that but one per cent.---Oh! it is two and a half per cent. difference, in the course of those two months; but, subsequent to that, there was a rise of more than two per cent. more.

T

Mr.

Mr. Serjeant *Adair*.---You have not stated the value of the goods that were saved.

Mr. Serjeant *Lawrence*.---I understand that the amount of the goods saved is 3,700 and odd pounds.

Mr. Serjeant *Adair*.---Upon the pleadings, the amount of our loss is admitted to be upwards of £. 2,500.

Mr. *Garrow*.---The chest of plate was saved by the Office---it was sealed up by the Office, and has since been sent to Mr. Brown.

Court.---That is a material fact.

Mr. Serjeant *Adair*.---The total loss is near £. 2,000, besides which there was £. 570 damaged goods.

Mr. Serjeant *Lawrence*.---Gentlemen of the Jury, The plaintiff is entitled to a verdict for £. 2,563, if you give him a verdict.

Mr. Serjeant *Adair*.---When does Mr. Brown appear to have first insured?

Mr. Serjeant *Lawrence*.---His insurance was renewed a short time before the fire.

Mr. Serjeant *Adair*.---The policy was originally in the year 1784.

Gentlemen of the Jury, I don't know whether I need trouble you on the part of Mr. Brown?

One of the Jury.---The Jury are agreed; it will save you and the court some trouble.

Mr. Serjeant *Adair.*---It cannot terminate more honourably to Mr. Brown.

Court.---It is unnecessary for the counsel for Mr. Brown to address himself to the Jury, as they are already satisfied; because nothing is so advantageous for the plaintiff, as the Jury's forming an opinion for him, upon hearing the case made on the other side.

Verdict for the Plaintiff,
£. 2,563.

Mr. Brown's Claim was as follows:

For Stock in Trade burnt and missing	1,204	14	—
For Household Furniture, Wearing Apparel, Plate, China and Glass, Prints, &c.			
burnt	—	—	—
		785	8 3
For damage upon the Goods saved	—	572	17 9
		<hr/>	<hr/>
		2,563	— —



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Gentlemen of the Jury I don't know
whether I need trouble you on the part of
Mr. Brown?

Over the Jury--The Jury are agreed;
it will save you and the court some trouble.
Mr. Sergeant Adams--It cannot terminate
more honorably to Mr. Brown.
Court--It is unnecessary for the counsel
for Mr. Brown to address himself to the
Jury, as they are already satisfied; because
nothing is to be advanced for the plaintiff,
as the Jury's forming an opinion for him,
upon hearing the case made on the other
side.

Verdict for the Plaintiff.
\$2500.

Mr. Brown's Claim was as follows:
For Stock in Trade burnt and melted \$1500 00
For Household Furniture, Clothing, &c. 750 00
For Plate, Glass and China, &c. 250 00
Total \$2500 00
The damage upon the Goods lived \$250 00
Total \$2750 00

